UNITED STATES DEPARTMENT OF COMMERCE

COMBINED

STATE OF CALIFORNIA
COASTAL MANAGEMENT PROGRAM
(SEGMENT)*
AND
FINAL
ENVIRONMENTAL IMPACT STATEMENT

AUGUST, 1977

PREPARED BY:

OFFICE OF COASTAL ZONE MANAGEMENT
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
3300 WHITEHAVEN STREET, N.W.
WASHINGTON, D.C. 20235

AND

CALIFORNIA COASTAL COMMISSION
1540 MARKET STREET
SAN FRANCISCO, CA 94104

*For the purposes of coastal zone management, California has been divided into segments including the areas covered by the Coastal Act and the Bay Plan. The San Francisco Bay Conservation and Development Commission (BCDC) submitted a program to OCZM in accordance with Section 306(h) of the CZMA. The BCDC program was approved by the Secretary of Commerce on February 16, 1977. This program covers the rest of the coastal zone of the State.

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Science and Technology
Washington, D.C. 20230

In accordance with the provisions of Section 102(2)(C) of the National Environmental Policy Act of 1969, we are enclosing for your review and consideration the final environmental impact statement prepared by the Office of Coastal Zone Management on the Coastal Zone Management Program for the State of California.

If you have any questions about the enclosed statement, please feel free to contact:

Mr. Grant Dehart
Regional Manager
Office of Coastal Zone Management, NOAA
3300 Whitehaven Street, N.W.
Washington, D. C. 20235
Phone: 202/634-4235

Thank you for your cooperation in this matter.

Sincerely,

Sidney R. Galler

Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs

Enclosures

Summary

( ) Revised Draft Environmental Impact Statement (X) Final Environmental Impact Statement

Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management. For additional information about this proposed action or this statement, please contact:

Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
Attn: Mr. Grant Dehart
3300 Whitehaven St., N.W.
Washington, D.C. 20235
Phone: 202/634-4235

1. Proposed Federal approval of the California Coastal Management Program

(X) Administrative ( ) Legislative

2. It is proposed that the Secretary of Commerce approve the Coastal Management Program application of the State of California pursuant to the Coastal Zone Management Act P.L. 92-583 (as amended). This would be the second segment of a two segment program, the San Francisco Bay segment was approved on February 16, 1977. Approval would initiate implementation of the program under the CZMA (although the program is currently implemented through State funds) allowing Federal administration grants to be awarded to the State, and require that Federal actions be consistent to the maximum extent practicable with the approved program.

3. Approval and implementation of the program will provide California with funding that will restrict or prohibit certain land and water uses in parts of the California coast, while promoting and encouraging development and use activities in other parts. This may affect property values, property tax revenues, and resource extraction or exploration. The program will provide an improved decision-making process for determining coastal land and water uses and siting of facilities of national interest, and will lead to increased long-term protection of and benefit the State's coastal resources.

4. Alternatives considered:

   A. Federal - The Secretary of Commerce could delay or deny approval under the following conditions:

      1. If Federal agency views were not adequately considered or the program does not meet the requirements of the Coastal Zone Management Act. (CZMA)

      2. If there is inadequate consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities) under Section 306(c)(8) of the CZMA.

      3. If there is no adequate assurance of the integration of the California Coastal Management Program with the San Francisco Bay Coastal Management Program.

      4. If a more appropriate alternative would be "preliminary approval" of the CCMP.

   B. State

      5. The State could withdraw the approval application and continue program development or attempt to use other sources of funding to meet the objectives of the State's coastal management program.

      6. The State could amend the coastal management program.

5. List of all Federal, State, and local agencies and other parties from which comments have been requested:

Federal

* Advisory Council of Historic Preservation
Council on Environmental Quality
* Department of Agriculture
Agriculture Research Service
Agricultural Stabilization and Conservation Service
Forest Service
Rural Electrification Administration
* Soil Conservation Service
* Department of Commerce
* Department of Defense
Air Force
* Army Corps of Engineers
* Navy
* Department of Health, Education, and Welfare
Public Health Service
* Department of Housing and Urban Development
* Department of the Interior
Bonneville Power Administration
Bureau of Land Management (public lands)
Bureau of Mines
Bureau of Outdoor Recreation
Bureau of Reclamation
Fish and Wildlife Service
Geological Survey
Keeper of the National Historic Register
National Park Service
Office of Oil and Gas
Department of Justice
Department of State
* Department of Transportation
Coast Guard
Federal Aviation Administration
Federal Railroad Administration
Transport and Pipeline Safety
Secretarial Representative, Region IX
* Department of Treasury
Assistant Secretary for Administration
* Energy Research and Development Administration
* Environmental Protection Agency
Regional Administrator, Region IX
* Federal Energy Administration
* Federal Power Commission
General Services Administration
Marine Mammal Commission
National Aeronautics and Space Administration
Nuclear Regulatory Commission
U.S. Senate and House of Representatives
Members of Congress representing coastal districts
U.S. Water Resources Council

State

Governor
* State Clearinghouse
Areawide Clearinghouses
Association of Bay Area Governments
Bay Area Air Pollution Control District
Bay Area Sewage Service Agency
Association of Montery Bay Area Governments
Conservation Development and Planning Department, Napa
Half Moon
Marin County Planning
San Mateo County Planning Department

Sonoma County Planning Department
California Coastal Commission
Regional Commissions
Central Coast Regional Commission
North Central Coast Regional Commission

State (cont.)

North Coast Regional Commission
San Diego Coast Regional Commission
South Central Coast Regional Commission
South Coast Regional Commission
State Energy Commission
* California State L nds Commission
Department of Forestry
* Department of Fish and Game
* Department of Parks and Recreation
Senate Committee on Natural Resources and Wildlife
* Water Resources Department
San Francisco Bay Conservation and Development Commission
* Department of Conservation
Office of the Secretary for Resources
Department of Real Estate
Department of Housing and Community Development
* Department of Navigation and Ocean Development
Office of Planning and Research
State Historic Preservation Officer
California Coastal Conservancy
* Department of Transportation
* Public Utilities Commission
* Air Resources Board
* Department of Health
* Department of Food and Agriculture
* State Water Resources Control Board
* Solid Waste Management Board
* Department of Health
* Department of Food and Agriculture
Division of Mines and Geology
Division of Oil and Gas
* State Water Resources Control Boards
* Solid Waste Management Board

Local
Counties and Cities

Arcata Planning Director
Carlsbad Assistant Planner
Carpinteria Planning Director
City of Avalon
City of Carmel
City of Coronada
City of Costa Mesa
* City of Chula Vista
City of Eureka
City of Ferndale
City of Fortuna
City of Half Moon Bay
City of Hermosa Beach
City of Imperial Beach
* City of Long Beach
City of Marina
City of Monterey
City of Morro Bay
City of Newport Beach
City of Oceanside
City of Pacific Grove
City of Pismo Beach
City of Point Arena
City of Port Hueneme
City of Redondo Beach Planning Department
City of San Clemente
City of San Juan Capistrano
City of Santa Barbara
City of Santa Cruz
City of Santa Monica
City of Seaside

Local (cont.)

City of Ventura
City of Trinidad
City of Watsonville
Cresent City
Dale City
Del Mar Planning Department
El Segundo Planning Director
Fort Bragg
Grove City
* Huntington Beach City
  Planning Department
Isla Vista Planning Department
Laguna Beach Planning Director
Los Angeles
  Regional Water Quality Control Board
  County Regional Planning
  * City Council Planning Committee
* Manhattan Beach Department of Beaches
Metropolitan Water District of Southern California
National City Planning Department
Oxnard Planning Department
Pacifica Planning Administrator
Palos Verdes Estates
Rancho Palos Verdes
San Diego
  Department of Land Use and Environmental Regulation
  Department of Transportation
* San Diego Region's Council of Governments
San Francisco PG & E Land Department
  Public Utilities Commission
  Department of City Planning
Sand City
* Southcoast Air Quality Management District
Del Norte County
Humboldt County
Mendocino County
Sonoma County
Ventura County
Orange County
San Luis Obispo County
Santa Barbara County
Marin County
* San Mateo County
Santa Cruz County
Monterey County
San Mateo County Planning Department
Santa Ana Environmental Management Agency
Santa Cruz Supervisor
Santa Maria Community Development
Santa Monica Department of City Planning
Seal Beach Planning Director
Sonoma County Alliance
Torrance Planning Department
Ventura County Environmental Resource Agency

Ports

Hueneme
Long Beach
Los Angeles
San Diego Unified Port District

Coastal County Libraries

County Library
Arroyo Grande, CA
County Library
Atacadero, CA
San Mateo County Library
Central Branch
Belmont, CA
Monterey County Library
Big Sur Ranch
Big Sur, CA
County Library
Cambria, CA
San Diego County Library
Cardiff, CA
County Library
Cayucos, CA
San Diego County Library
Chula Vista, CA
San Diego County Library
Woodlawn Park Branch
Chula Vista, CA
Del Norte County Library
Crescent City, CA
County Library
Creston, CA
San Diego County Library
Del Mar Branch
Del Mar, CA
San Diego County Library
Encinitas Branch
Encinitas, CA
Mendocino County Library
Fort Bragg, CA
Fresno County Library
Fresno, CA
County Library
Grover City, CA
County Library
Halcyon, CA
Los Angeles County Library
Hermosa Beach, CA
San Diego County Library
Imperial Beach Branch
Imperial Beach, CA
Los Angeles County Public Library
Malibu, CA
Los Angeles County Library
Manhattan Beach, CA
County Library
Morro Bay, CA
San Diego County Library
Lincoln Acres Branch
National City, CA
County Library
Nipomo, CA
County Library
Oceano, CA
Contra Costa County Library
Pleasant Hill, CA
County Library
Pismo Beach, CA
Sacramento City-County Library
Sacramento, CA
County Public Library
Salinas, CA
Orange County Library
San Clemente, CA
County Library
San Luis Obispo, CA
County Library
San Miguel, CA
Los Angeles County Public Library
San Pedro, CA
Marin County Free Library
San Rafael, CA
County Library
Santa Margarita, CA
Santa Rosa-Sonoma County Public Library
Santa Rosa, CA
County Library
Shell Beach, CA
County Library
Templeton, CA
Mendocino County Library
Ukiah, CA
Los Angeles County Library
Venice, CA
Avalon County Library
Avalon, CA
Alameda County Library System
Hayward, CA
Contra Costa County Library
Pleasant Hill, CA
Santa Barbara County Library
Montecito, CA

Other Parties

National Interest Groups

Environmental Groups
American Littoral Society
American Shore and Beach Protection Association
Center for Law and Social Policy
Environmental Defense Fund, Inc.
Environmental Policy Center
Friends of the Earth
Izaak Walton League
National Audubon Society
Natural Resources Defense Council
National Wildlife Federation
Nature Conservancy
Sierra Club
The Conservation Foundation
The Wildlife Management Institute
Wilderness Society

Other Parties (cont.)

Private Sector
- American Association of Port Authorities
- American Farm Bureau Federation
- American Mining Congress
- * American Petroleum Institute
- American Right of Way Association
- American Waterways Operators
- Atomic Industrial Forum
- Boating Industry Association
- Chamber of Commerce of the United States
- Chevron Oil Company
- Edison Electric Institute
- * EXXON
- National Association of Conservation Districts
- National Association of Electric Companies
- National Association of Engine and Boat Manufacturers
- National Association of Home Builders
- National Association of Realtors
- National Association of State Boating Law Administration
- National Boating Federation
- National Canners Association
- National Coalition for Marine Conservation, Inc.
- National Environmental Development Association
- National Farmers' Union
- National Federation of Fishermen
- National Fisheries Institute
- National Forests Products
- National Ocean Industries Association
- National Recreation and Park Association
- National Security Industrial Association
- National Waterways Conference
- Mobil Oil Corporation
- Saltwater Sportsmen
- Society of Real Estate Appraisers
- SOHIO Transportation Company
- Sport Fishing Institute
- Standard Oil of California
- Union Oil Company
- United Brotherhood of Carpenters and Joiners of America
- * Western Oil and Gas Association
- World Dredging Association

Professional
- American Fisheries Society
- American Institute of Architects
- American Institute of Planners
- American Society of Planning Officials
- National Parks and Conservation Association

Public Interest
- Council of State Planning Agencies
- Coastal States Organization
- * League of Women Voters of the United States
- National Association of Counties
- National Association of Regional Councils
- National Conference of State Legislatures
- National Governors' Conference
- National League of Cities
- United States Conference of Mayors

Other Interested Parties

- Associated California Loggers
- Ball, Hunt, Hart, Brown & Baerwitz
- Blade Tribune
- * C. F. Braun and Co.
- * C. Norman Peterson Contractors
- * California Farm Bureau Federation
- California Natural Areas Coordinating Council

Other Parties (cont.)

California Council on Environmental & Economic Balance
California Research
Citizens Coordinate for Century 3
Connerly and Associates, Inc.
Conservation Law Foundation of New England, Inc.
David Smith and Associates
* Drilling Fluid Specialists, Inc.
Doremus & Company
Environmental Law, C.A.V.E.
Flint and MacKay
* Gallup and Stribling Orchids, Inc.
General Land Office, Austin, Texas
Gibson, Dunn and Crutcher
Granite Rock Co.
* Greater Los Angeles Council of Divers
Half Moon Bay Properties, Inc.
* Hobbs-Bannerman Corporation
* Hood Corporation
* Jack Tobin and Associates, Inc.
Jones and Stokes Associates
Keep Pacifica Scenic
Koebig, Inc.
* Malibu Township Council, Inc.
Mobil Oil Corporation
Noland, Namerly, Etienne & Hoss
NYS Office of Parks & Recreation
O'Melveny & Myers
* Pacific Gas and Electric
Planning Association for the Richmond Area
* Playa Del Ray Business Association
* Ringsby Truck Lines, Inc.
Sacramento Planning & Conservation League
Samuel J. Cullers & Associates
San Diego Gas and ELectric Company
* Santa Catalina Island Company
San Luis Obispo County Farm Bureau, Inc.
Seacoast Preservation Association, Inc.
Sedway & Cooke
SOHIO Transportation Company
Society for California Archeology
Southern California Academy of Sciences
Southern California Rock Products Association
Southern California Edison
* Southern California Gas Company
Standard Oil of California
The Irvine Company
The Sea Ranch Association
The Sharp Park Improvement Co.
Transcentury Properties
Union Oil Company
University of California
Water Resources Center Archives
University of Santa Clara
School of Law
URB Research Company
* VETCO Offshore, Inc.
Westinghouse Electric Corp.
Woodward, Clyde Associates

Individuals
Upon request, copies have been and will be sent to all individuals and other interested parties.

* George Castagnola
* Mike Chapman
* Herbert Eilertsen
* Alice E. Fries
* Charles R. Nelson
* John R. Swanson
* Stanley Wilson

* Denotes comments received on the revised Draft Environmental Impact Statement.

6. Revised Draft Environmental Impact Statement made available to the Council on Environmental Quality and the public on April 15, 1977. Final Environmental Impact Statement made available to the Council on Environmental Quality on August 16, 1977.

7. The final EIS was prepared based on oral/written comments received at the public hearings held May 19 and 20, 1977,and comments submitted in response to a request for comments up to 45 days beyond the closing period requested in the revised DEIS. A total of 65 interested parties submitted written comments and were distributed as follows:

Federal Agencies.....	19
State Agencies.....	6
Local Governments.....	7
Other Parties.....	33

Summarized in Attachment J is a discussion of those written comments and Office of Coastal Zone Management's (OCZM) responses. The full text of the written comments have been distributed to those individuals and organizations who responded. Additional copies of the written comments will be distributed upon request from the OCZM. (Attachment K)

Acronymns Used:

BCDC------San Francisco Bay Conservation and Development Commission
BLM-------Bureau of Land Management
CCC-------California Coastal Commission
CCMP------California Coastal Management Program
CEQA------California Environmental Quality Act
COAP------California Comprehensive Ocean Area Plan
CPUC------California Public Utilities Commission
CZMA------Coastal Zone Management Act of 1972 as amended
DOD-------U.S. Department of Defense
DOI-------U.S. Department of Interior
DOT-------U.S. Department of Transportation
DNOD------State Department of Navigation and Ocean Development
EIR-------Environmental Impact Report
EIS-------Environmental Impact Statement
EPA-------U.S. Environmental Protection Agency
FPC-------Federal Power Commission
FWPCA-----Federal Water Pollution Control Act of 1972 as amended
GACOR-----Governor's Advisory Commission on Ocean Resources
ICOR------Interagency Council on Ocean Resources
LCP-------local coastal program
LNG-------liquefied natural gas
MOU-------memorandum of understanding
NASCO-----National Academy of Sciences, Committee on Oceanography
NEPA------National Environmental Policy Act of 1969 as amended
NI--------national interest
NOAA------National Oceanic and Atmospheric Administration
OCS-------outer continental shelf
OCZM------Office of Coastal Zone Management
OMB-------Office of Management and Budget
OPR-------State Office of Planning and Research
TRPA------Tahoe Regional Planning Agency
SB 1277---California Coastal Act
AB 3544---State Coastal Conservancy Act

TABLE OF CONTENTS

Appendices to the California Coastal Managment Program (CCMP)

Attachments to the CCMP and Final Environmental Impact Statement

Attachments by Reference

Extensive additional material is valuable to the full understanding of this document. This material illustrates the development of the CCMP, documents public and governmental participation in this process, supports NOAA's environmental impact analysis of the CCMP, and demonstrates NOAA's evaluation of the CCMP relative to CZMA requirements. To keep this document as concise as possible, the following materials are incorporated, by reference as Attachments:

18. Principal Federal Agency Contacts and Federal Agency Views (pursuant to Section 925.4 of CZMA Regulations)[c]
19. California Coastal Plan[c]
20. California Coastal Bibliography[c]
21. Comprehensive Ocean Area Plan[c]

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[a]Included in the DEIS as an Appendix or Attachment

[b]Included in the DEIS as an Appendix or Attachment by reference. This documentation is available for review at the offices of the Coastal Commission and OCZM.

[c]This documentation is available for review at the offices of the Coastal Commission and OCZM.

[d]The recommended uses for Federal properties listed in this document have no effect until such time as they may be excess surplus property.

PART I

INTRODUCTION

A. The Federal Coastal Zone Management Program

In response to the intense pressures upon, and because of the importance of the coastal zone of the United States, Congress passed the Coastal Zone Management Act (P.L. 92-583) which was signed into law on October 27, 1972. The Act authorized a Federal grant-in-aid program to be administered by the Secretary of Commerce, who in turn delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) Office of Coastal Zone Management (OCZM).

The Coastal Zone Management Act of 1972 developed from a series of studies on the coastal zone and its resources. National interest can be traced from the Committee on Oceanography of the National Academy of Sciences (NASCO) 12-volume report "Oceanography 1960-1970" (1959), to the report of the Commission on Marine Science, Engineering and Resources (1969), which proposed a Coastal Management Act that would "provide policy objectives for the coastal zone and authorize Federal grants-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land." The National Estuarine Pollution Study (1969), authorized by the Clean Water Restoration Act of 1966 and the National Estuary Study authorized by the Estuarine Areas Study Act of 1968 further documented the importance of and the conflicting demands upon our Nation's coasts. These reports stressed the need to protect and wisely use the important national resources contained in the coastal zone and concurred that a program designed to promote the rational protection and management of our coastal zone was necessary.

The Coastal Zone Management Act of 1972 was substantially amended on July 26, 1976 (P.L. 94-370).

The Act and the 1976 amendments will be referred to in this statement as the CZMA. The CZMA affirms a national interest in the effective protection and development of the coastal zone, by providing assistance and encouragement to the coastal States to develop and implement rational programs for managing their coastal zones. The CZMA opens by stating [t]here is a national interest in the effective management, beneficial use, protection, and development of the coastal zone." (Section 302(a)) The statement of Congressional findings goes on to describe how competition for the utilization of coastal resources, brought on by the increased demands of population growth and economic expansion, has led to the degradation of the coastal environment, including the "loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion." The CZMA then states "[t]he key to more effective protection and use of the land and water resources of the coastal zone is to encourage states to exercise their full authority over the land and waters in the coastal zone by the assisting states...in developing land and water use programs...for dealing with [coastal] land and water use decisions of more than local significance." (Section 302(h))

While local governments and Federal agencies are required to cooperate and participate in the development of management programs, the State level of government is given the central role and responsibility for this process. Financial assistance grants are authorized by the CZMA to provide States with the means of achieving these objectives and policies. Under Section 305, thirty coastal States which border on the Atlantic or Pacific Oceans, Gulf of Mexico, and the Great Lakes, and four U. S. territories are eligible to receive grants from NOAA for 80 percent of the costs of developing coastal management programs. Broad guidelines and the basic requirements of the CZMA provide the necessary direction for developing these programs. The guidelines defining the procedures by which States can qualify to receive development grants under Section 305 of the CZMA, and the policies for development of a State management program, were published on November 29, 1973 (15 CFR Part 920, Federal Register 38 (299): 33044-33051). For example, during the program development, each State must address specific issues such as the boundaries of its coastal zone; geographic areas of particular concern; permissible and priority land and water uses; including specifically those that are undesirable or of lower priority; and areas for preservation or restoration. During the planning process, the State is directed to consult with local and regional governments and relevant Federal agencies, as well as the general public. Federal support can be provided to States for up to four years for this program development phase.

After developing a management program, the State may submit its coastal management program to the Secretary of Commerce for approval; if approved, the State is then eligible for annual grants under Section 306 to administer its management program. If a program has deficiencies which can be remedied or has not received Secretarial approval by the time the Section 305 grant has expired, the State is eligible for additional funding under Section 305(d).

On January 9, 1975, OCZM published criteria to be used for approving State coastal management programs and guidelines for program administrative grants (15 CFR Part 923, Federal Register 40 (6): 1683-1695). These criteria and guidelines set forth (a) the standards to be utilized by the Secretary of Commerce in reviewing and approving coastal management programs developed and submitted by coastal States for approval, (see Section B, Part I), (b) procedures by which coastal States may qualify to receive program administrative grants, and (c) policies for the administration by coastal States of approved coastal management programs.

By the end of fiscal year 1976, 33 out of 34 eligible coastal States and territories had received program development grants and one State (Washington) had received program approval under Section 306.

Section 308 establishes a coastal energy impact assistance program consisting of:

- Annual formula grants (100% Federal share) to coastal States, based upon specific outer Continental Shelf (OCS) energy activity criteria. (Section 308(b))

- Planning grants (80% Federal share) to study and plan for economic, social, and environmental consequences resulting from new or expanded energy facilities (Section 308(c))

- Loans or bond guarantees to States and local governments improved public facilities and services required as a result of new or expanded coastal energy activity. (Sections 308(d)(1) and (d) (2))

- Grants to coastal States or local governments if they are unable to meet obligations under a loan or guarantee because the energy activity and associated employment and population do not generate sufficient tax revenues. (Section 308(d)(3))

- Grants to coastal States if such States' coastal zone suffers any unavoidable loss of valuable environmental or recreational resources which results from coastal energy activity. (Section 308(b) and (d)(4))

In order to be eligible for assistance under Section 308, coastal States must be receiving Section 305 or 306 grants, or, in the Secretary's view, be developing a management program consistent with the policies and objectives contained in Section 303 of the CZMA.

Section 309 allows the Secretary to make grants (90% Federal share) to States to coordinate, study, plan, and implement interstate coastal management programs.

Section 310 allows the Secretary to conduct a program of research, study, and training to support State management programs. The Secretary may also make grants (80% Federal share) to States to carry out research studies and training required to support their programs.

Section 315 authorizes grants (50% Federal share) to States to acquire lands for access to beaches and other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value, and for the preservation of islands, in addition to the estuarine sancturay program to preserve a representative series of undisturbed estuarine areas for long-term scientific and educational purposes.

Besides the financial assistance incentive for State participation, CZMA stipulates that Federal activities affecting the coastal zone shall be, to the maximum extent practicable, consistent with approved State management programs (the "Federal consistency" requirement, Section 307(c)(1) and (2)). The State must concur with any applicant's certification that a Federal license or permit affecting land and water uses within the coastal zone is consistent with the State's coastal management program. Section 307 of the CZMA requires that any outer Continental Shelf oil and gas activity described in an exploration, development, or production plan be certified to the Secretary of the Interior that it is consistent with an approved State management program. The State must concur with such certification prior to any approval by the Department of the Interior. Section 307 further provides for mediation by the Secretary of Commerce when serious disagreement arises between a Federal agency and a State with respect to the administration of a State's program and shall require public hearings in the concerned locality.

B. OCZM Requirements for Program Approval (Section 306) related to California's Coastal Management Program Submission

OCZM Requirements 15 CFR Part 923, Section:		California Coastal Management Program
.4(b)	Problems, Issues, and Objectives	Coastal Plan-Part II
		Coastal Plan-Part IV
		Chapter 1
		Chapter 3
		Chapter 14
.5	Environmental Impact Assessment	Draft EIA *
.11	Boundaries	Chapter 4
.12	Land and Water Uses to be Managed	Chapter 5
.13	Areas of Particular Concern	Chapter 4
.14	Guidelines on Priority of Uses	Chapter 5
.15	National Interest in the Siting of Facilities	Chapter 9, 11
.16	Area Designation for Preservation and Restoration	Chapter 12
		Reference 4
.17	Local Regulations and Uses of Regional Benefit	Chapter 5
.18	Shorefront Access Planning	Chapter 9
.19	Energy Facility Planning	Chapter 9, 11
.20	Shoreline Erosion	Chapter 9
.31	Means of Exerting State Control over Land and Water Uses	Chapter 6
		Chapter 7
		Chapter 8
.32	Organizational Structure to Implement the Management Program	Chapter 10
.33	Designation of Single Agency	Appendix 1 (Coastal Act), Governor's Letter
.34	Authorities to Administer Land and Water Use, Control Development and Resolve Conflicts	Chapter 6
		Chapter 7
		Chapter 10
.35	Authorities for Property Acquisition	Chapter 12
.36	Techniques for Control of Land and Water Uses	Chapter 6
		Chapter 7
.41	Full Participation by Relevant Bodies In Adoption of Management Program	Chapter 13
.42	Consultation and Coordination With Other Planning	Chapter 7
		Chapter 8

.51	Public Hearings	Chapter 13
.52	Gubernatorial Review and Approval	Part II - Preface
.53	Segmentation	Chapter 4
.54	Applicability of Air and Water Pollution Control Requirements	Chapter 11

*A draft environmental impact assessment was submitted to OCZM.

THE CALIFORNIA COASTAL MANAGEMENT PROGRAM

Part II - Description of the Proposed Action: Prepared by the California Coastal Commission

PART II

THE CALIFORNIA COASTAL MANAGEMENT PROGRAM

(Description of the Proposed Action)

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

EDMUND G. BROWN JR.
GOVERNOR

916/445-2843

Dr. Robert M. White
National Oceanic and Atmospheric
Administration
U. S. Department of Commerce
Washington, D.C. 20240

Dear Dr. White:

A few months ago I submitted to you the management program for the San Francisco Bay segment of the California coastal zone. You have now approved that program. On behalf of the State of California, I am pleased to transmit California's management program for the rest of its 1,072 mile coastline.

The management program for the coast described in this document meets the intent and requirements of the Coastal Zone Management Act (CZMA). I therefore request that the program be approved as a segment of the California coastal zone management program under Section 306 of the CZMA.

I have reviewed the management program, and as Governor, I approve the program and certify to the following:

1. The State, through the California Coastal Act of 1976, associated legislative authorities, and the cooperation and coordination of other governmental agencies, has the required authorities and is presently implementing the management program for the California coastal zone.

2. The State has established, and is operating, the necessary organizational structure to implement the coastal management program.

3. The California Coastal Commission is the single designated agency to receive and administer grants for implementing the coastal management program.

4. The State, through the California Coastal Commission, has the authority to control land and water uses, control development, and resolve conflicts among competing uses within the coastal zone.

5. The State presently uses a combination of the methods listed in Sections 306 (e) (1) (A), (B), and (C) of the CZMA for controlling land and water uses within the coastal zone.

6. The State has sufficient power to acquire lands, should that become necessary or desirable to carry out elements of the coastal management program.

7. The policies cited in the coastal management program are embodied in the California Coastal Act of 1976, which is the core of the coastal management program, and are directly enforceable by the Coastal Commission.

8. The State's air and water pollution control programs, established pursuant to the Federal Clean Air Act and the Federal Water Pollution Control Act, insofar as these programs pertain to the coastal zone, have been made a part of the State's coastal zone management program. The regulations relating to these programs have been incorporated into the management program and are the air and water pollution control requirements applicable to the coastal management program.

9. The coastal zone management program is now an official program of the State of California; the State, acting by and through the Coastal Commission and other state, regional, and local agencies identified in the program, will continue to meet the intent of the Coastal Zone Management Act of 1972 (as amended).

10. The State has provided for the ultimate integration of the coastal management program for the San Francisco Bay segment of the coastal zone with the management program for the remainder of the California coastal zone. Under the California Coastal Act of 1976, the San Francisco Bay Conservation and Development Commission and the California Coastal Commission are to present recommendations to the Legislature no later than July 1, 1978 on the integration of the two programs.

Sincerely,

EDMUND G. BROWN JR.
Governor

Enclosures

INTRODUCTION: COMPONENTS OF THE CALIFORNIA COASTAL MANAGEMENT PROGRAM

The California Coastal Management Program is a combination of Federal, State, and local planning and regulatory authorities for controlling the uses of land, air, and water resources along the coast. For the purposes of meeting CZMA requirements, the management program for the main coastline segment described in this document is the major component of a two-segment program, San Francisco Bay being the smaller segment. A Coastal Management Program for the San Francisco Bay segment was approved by the Assistant Administrator of NOAA on behalf of the Secretary of Commerce on February 16, 1977. The relationship between these two segments will be reviewed in accordance with Section 30410 of the California Coastal Act by July 1, 1978.

The California Coastal Management Program for the main segment of the State's coastline includes the following: 1

A. California Coastal Act of 1976. Division 20, California Public Resources Code Sections 30000 et seq. (Appendix 1)

B. California Coastal Conservancy Act of 1976. Division 21, California Public Resources Code Sections 31000 et seq. (Appendix 2)

C. California Urban and Coastal Park Bond Act of 1976. Division 5, California Public Resources Code Sections 5096.777 et seq. (Appendix 3)

D. California Coastal Commission Regulations. California Administrative Code, Title 14, Sections 13000-14000. (Appendices 2, 4, and 5)

E. Program Description. Part II, State of California Coastal Management Program (Introduction and Chapters 1 through 14)

The major elements of the CCMP are summarized below.

A. California Coastal Act of 1976. Effective January 1, 1977, California has a permanent, comprehensive, coastal management program. The California Coastal Act is the foundation of the California Coastal Management Program. The Act defines the State's coastal management goals and policies, establishes the boundaries of the State's coastal zone, and creates governmental mechanisms for carrying out the management program.

1. Goals

The Coastal Act specifies basic goals for coastal conservation and development aimed at protecting, enhancing, and restoring coastal environmental quality and resources, giving priority to "coastal dependent" development, and maximizing public access to the coast.

2. Policies

The Coastal Act specifies detailed policies on which conservation and development decisions in the coastal zone are to be based. These policies are generally based on the 162 policy recommendations in the Coastal Plan published in 1975 by the California Coastal Zone Conservation Commissions and deal with the following topics:

Public access - covers access to the coast, prescriptive rights, dedication of accessways, and provision of low- and moderate-income housing.

Recreation - covers shorefront lands and recreational boating.

Marine environment - covers dredging, filling, and diking of wetlands and estuaries, and structures that affect sand transport for beach replenishment.

Land resources - covers wildlife habitats, coastal-related agriculture, soil productivity, and archaeological resources.

Development - provides for future development in existing developed areas, covers visitor facilities, gives priority to coastal-dependent development, includes considerations of

1 Material in this document that is a part of the CCMP is indicated by a black border.

geological instability, sets priorities and guidelines for expansion of public services, addresses public scenic vistas to and along the coast, and covers compatibility of new development with its setting.

Industrial development - covers offshore oil and gas development, refinery construction and expansion, powerplant and liquefied natural gas facility siting on coast, roads, and coastal-dependent industrial development.

In carrying out its policies, the Coastal Act requires conflicts to be resolved in a manner which, on balance, is most protective of significant coastal resources.

3. Jurisdiction

The Coastal Act defines "coastal zone" as an area, shown on a map filed with the California Secretary of State, extending three miles seaward and inland generally 1,000 yards. In significant coastal estuarine, habitat, and recreational areas, it extends inland to a maximum of five miles; in developed urban areas it generally extends inland less than 1,000 yards. The area of jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC) and Federal lands are excluded.

4. Coastal Commission and Regional Commissions

The Coastal Act creates a 15-member California Coastal Commission and (until no later than June 30, 1979) six regional commissions. The Coastal Commission consists of:

Secretary of Resources Agency (non-voting member),
Secretary of the Business and Transportation Agency (non-voting member),
Chairman of the State Lands Commission (non-voting member),
Six public members (2 appointed by the Governor, Senate Rules Committee, and Speaker of the Assembly), and
Six representatives of regional commissions (appointed by each regional commission from its membership).

5. State Agencies

The Coastal Act is not intended to change the basic authority of any existing State agency and specifies the legislative intent that duplication and conflicts among existing State agencies be minimized. The Coastal Act specifies the areas of jurisdiction of the Coastal Commission and other State agencies, including:

State Water Resources Control Board - The Board retains primary jurisdiction over water rights and water quality and makes the final decision on funding wastewater treatment plants. The Coastal Commission determines whether the treatment plant complies with the provisions of the Coastal Act and determines matters relating to land use, visual appearance, size, and timing of the use of capacity of a treatment plant.

Board of Forestry - Timber operations must be approved as specified in the Forest Practice Act. A separate permit from the Coastal Commission is not required. The Forest Practice Act is amended to require the Board to adopt rules for the protection of natural and scenic qualities in special treatment areas which were identified by the Coastal Commission by July 1, 1977.

State Energy Resources Conservation and Development Commission - The Coastal Commission will designate locations generally inappropriate for power plants by January 1, 1978, and every two years thereafter. The Energy Commission has exclusive jursidiction everywhere else. The Coastal Commission submits recommendations on inappropriate sites to the Energy Commission. The Energy Commission must adopt Coastal Commission recommendations unless to do so would result in greater adverse effect on the environment or the measure proposed would not be feasible. The Energy Act is amended to require the Energy Commission to determine the relative merit of coastal and inland sites.

State Lands Commission - The authority of the State Lands Commission over lands within its jurisdiction or the rights and duties of its leasees or permittees will not be changed by any power granted to local jurisdictions.

6. Local Coastal Programs

By April 1, 1977, the Coastal Commission was required to adopt procedures for the preparation, approval, certification, and amendment of local coastal programs. By January 1, 1980, all local governments within the coastal zone must prepare a local coastal coastal program or request (by July 1, 1977) the Coastal Commission to prepare one. Local coastal programs include the relevant portions of a local general plan, zoning ordinances, zoning district maps, and actions which implement the Coastal Act at the local level.

Completed local coastal programs are submitted to regional commissions for approval and ultimately to the Coastal Commission for certification. The policies contained in Chapter 3 of the Coastal Act are the standards by which the adequacy of local coastal programs is determined.

The regional commissions are given 90 days to act on a local land use plan. No action constitutes approval. Disapproved plans may be revised and resubmitted to the regional commission or appealed directly to the Coastal Commission. The Coastal Commission has 21 to 45 days to determine by a majority vote whether specific substantial issues of adequacy exist and, unless it finds no substantial issues; it has 60 days from receipt of the plan to certify the plan or refuse certification.

Zoning ordinances, zoning district maps, and other implementing actions may be submitted concurrently with the land use plan or after certification of the land use plan. If submitted after certification, the regional commission has 60 days to reject them or they are deemed approved. Rejected ordinances and related material may be revised and resubmitted to the regional commission or appealed directly to the Coastal Commission. Aggrieved persons may appeal approvals or rejections to the Coastal Commission. The Coastal Commission (by majority of those present) may refuse to hear an appeal that raises no substantial issue. The Coastal Commission has 60 days after an appeal is filed, or 30 days after it decides on its own to review the implementing action, to reject the implementing actions. Failure to act constitutes approval.

Any time limitation relating to local coastal programs may be extended by the Coastal Commission or regional commission for "good cause", although the regional commissions themselves cannot be extended past a June 30, 1979, deadline.

If local coastal programs are not certified and all implementing devices are not effective by January 1, 1981, the Coastal Commission may:

> Prohibit or restrict the affected local government from issuing any permit, or
>
> Require a permit from the Coastal Commission for any development within the affected jurisdiction.

A procedure paralleling the local coastal programs is established for the Ports of Port Hueneme, Long Beach, Los Angeles, and San Diego whereby the ports prepare a port master plan for certification by the Coastal Commission. The policies by which the plans are evaluated are defined in terms of port-related issues and are set forth in Chapter 8 of the Coastal Act.

Regional commissions are dissolved within 30 days after the last local coastal program in its region is certified or on June 30, 1979, whichever is earlier.

Once local programs are certified, State agencies are required to comply with the standards of certified LCPs. Similarly, the LCPs will be incorporated into the CCMP upon their certification by the Coastal Commission, and will be used in making Federal consistency determinations. State and Federal agencies will be given the opportunity both to participate with local governments in the development of the LCPs and, prior to certification, to advise the Commission on whether these local governments have taken State and national interests into account in the LCPs. Moreover, to ensure that local interests can be balanced with regional, State, and national needs, the actual application of local standards to Federal activities will be made by the Coastal Commission. Local governments and Federal agencies can participate in the Federal consistency decision-making process under the procedures outlined in Chapter 11.

7. Permits

Prior to certification of a local coastal program, any development in the coastal zone (other than power plants and transmission lines under the jurisdiction of the Energy Commission) requires a coastal development permit. Such permits are obtained from local governments if the local governments choose to implement the permit process (except that a permit still must be obtained from the regional commission for development on tidelands, submerged lands, or public trust lands, or for development by a public agency for which a local government permit is not otherwise required). Such permits may be incorporated with any other development permit issued by a local public agency (e.g., conditional use permit) or may be separate. If the local governments choose not to implement the permit process, all such permits are obtained from the regional commission. Even if the local governments choose to implement the permit process, a regional commission permit is also required for:

Developments located within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of a coastal bluff;

Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of a beach (or mean high tide line where there is no beach), whichever is the greater distance;

Developments which constitute a major public works project or a major energy facility;

Approved or disapproved developments which constitute a major public works project or a major energy facility; and

Approved developments not designated as a principal permitted use under the approved zoning ordinance or zoning district map.

The Coastal Commission and regional commissions have 21 to 42 days days to schedule a hearing on permit application or appeal. A decision is required within 21 days of the close of a hearing.

All permits are subject to terms and conditions. The Coastal Commission is required to establish a joint development permit application system with permit-issuing agencies where feasible. As an alternative to project review, master plans for public works or university or State college developments may be submitted to the Coastal Commission for certification.

No coastal development permit is required for:

Certain improvements to existing single family residences,
Certain maintenance dredging,
Certain repair or maintenance activities,
Developments which the Coastal Commission determines (by a two-thirds vote) have no potential for any significant adverse effect on coastal resources or on public access,
Persons with vested rights (if granted an exemption) and persons who have a permit issued by the existing Coastal Commission,
Certain developed urban areas, and
Certain utility connections.

Section 14 of the Coastal Act amended the Revenue and Taxation Code to require local assessors to consider locally issued coastal development permits (after certification of the local coastal program) as enforceable restrictions in assessing land.

8. Sensitive Coastal Resource Areas

The Coastal Act requires the Coastal Commission to designate sensitive coastal resource areas by September 1, 1977. Each such designation must be based upon a separate report adopted by the Coastal Commission which includes a specific determination that the area is of regional or statewide significance. In sensitive areas the local coastal program must include supplementary programs adequate to protect the resources enumerated in the findings of the sensitive area report.

The Coastal Commission must submit its recommended sensitive coastal resource area nominations to the Legislature. Unless the Legislature adopts these recommendations within two years, they cease to have any force and effect. After certification of local coastal programs, developments approved by the local government in sensitive areas continue to be subject to appeal to the Coastal Commission.

The Coastal Commission has preliminarily determined that the authorities typically embodied in a local coastal program will be adequate to protect all coastal resources; therefore, the designation of sensitive coastal resource areas may be unnecessary.

9. Judicial Review and Enforcement

Any person aggrieved by a Coastal Commission decision may seek judicial review within 60 days. Any person may bring an action to restrain any violation of the Coastal Act, to enforce the duties imposed by the Coastal Act on any governmental agency, or to recover civil penalties. Violators of the Coastal Act would be subject to a $10,000 fine plus $50.00 to $1,000 per day for each day of violation plus damages.

10. Mandated Costs Reimbursable to Local Government

Section 16 of the Coastal Act declares that all costs to local government for implementing the Coastal Act shall be fully reimbursed in the annual State budget, except that claims for the 1976 to 1977 fiscal year must be submitted to the State Controller by October 31, 1977. If the Legislature fails to provide full funds for mandated local costs, the dates for submission of a local coastal program are postponed by the number of years elapsing until funds are provided.

Section 30008 of the Coastal Act states that, "This division the California Coastal Act shall constitute California's coastal zone management program for purposes of the Federal Coastal Zone Management Act of 1972". However, the CCMP is not necessarily limited to the Coastal Act itself because Section 30009 of the Act provides that, "This division shall be liberally construed to accomplish its purposes and objectives". It it clear that one of the purposes and objectives of Section 30008 is to declare the Legislature's intention that California's coastal management program satisfy the CZMA requirements for a state coastal management program. Any interpretation of Section 30008 that would preclude any component either necessary for program approval or advantageous to the implementation of the program from being included as part of the CCMP (e.g., Coastal Commission regulations, national interest statement, supporting legislation, etc.) would be in violation of Section 30009.

Furthermore, Section 30330 authorizes the Coastal Commission to exercise any powers given to the State by the Federal Coastal Zone Management Act, including issuing certificates of consistency pursuant to the CZMA. Inasmuch as the State will gain this authority only after its management program is approved, Section 30330 would be made meaningless by a narrow interpretation of Section 30008 that prevented program approval. This limiting interpretation would be contrary to the decision in

Meyer vs. Workmen's Compensation Appeals Board, 10 Cal. 3d 222, 230 (1973), which concluded that a statute should not be interpreted in a way which renders any part of it superflous.

Therefore, California's coastal management program, as submitted to the Department of Commerce for approval, includes the following components in addition to the Coastal Act.

B. California Coastal Conservancy Act of 1976. This Act is integrally related to the Coastal Act by Section 3 of the Conservancy Act which states, "This act shall become operative only if the Coastal Act is enacted and shall become operative at the same time as the Coastal Act ". The Conservancy Act establishes a State Coastal Conservancy based on a recommendation in the Coastal Plan. The Conservancy, which is composed of three members in addition to the Secretary for Resources (the Coastal Commission is part of the Resources Agency) and the chairperson of the Coastal Commission, is responsible for implementing a program of agricultural lands protection, area restoration, public access, and resource enhancement in the coastal zone. The establishment of the Conservancy adds acquisition and restoration capabilities to the CCMP to complement the planning and regulatory authorities created by the Coastal Act. The actions of the Conservancy will be integrated with the implementation of the management program.

C. California Urban and Coastal Park Bond Act of 1976. This measure was submitted to the California electorate by the Legislator for consideration at the November 1976 general election. In approving the measure, the voters provided $145 million for the acquisiton of coastal areas and $10 million for the State Coastal Conservancy to begin its program. The Bond Act provides funds for the acquisition of a number of the sites recommended for public purchase by the Coastal Commission. These sites will be acquired by the California Department of Parks and Recreation using purchase criteria that are based largely on those developed by the Coastal Commission.

D. California Coastal Commission Regulations. Included in the CCMP are governmental regulations, adopted by the Coastal Commission pursuant to Coastal Act requirements. These documents are summarized below.

(1) Permit and Port Planning Regulations. These regulations cover: (1) the administrative procedures of the Coastal Commissions; (2) the procedures for the submission, review, and appeal of coastal permit applications and claims of exemption; and (3) the procedures for the preparation and review of port master plans.

(2) Local Coastal Program Regulations. These regulations establish procedures for the preparation, submission, approval, appeal, certification, and amendment of local coastal programs. Included are a common methodology for the preparation of LCPs, criteria for the scope of an LCP, a schedule for processing LCPs, and recommended uses of more than local importance that must be considered in the preparation of LCPs.

E. Program Description. Part II of this document is a narrative description of the legislative and administrative measures embodied in the CCMP, organized to correspond to the specific requirements of the Coastal Zone Management Act of 1972, as amended. As such, the bulk of Part II is explanatory, descriptive, historical, and interpretive in nature. Chapter 11 is quite different in that it is a definitive policy statement adopted by the Coastal Commission. Chapter 11 explains how national concerns were addressed in the development of the CCMP, illustrates how Federal agencies were involved in California's coastal planning, and outlines a general approach for implementing the Federal Consistency provisions of Section 307 of the CZMA in California. Several public hearings have been held on this material as it has evolved over the past two years. An earlier version of this chapter was included in the California Coastal Plan as a statement entitled "National Interest in the Coast". This statement has been refined to include Federal consistency procedures that are based, in part, on the successful program of cooperation with Federal agencies that the San Francisco Bay Conservation and Development Commission has developed for the voluntary application of the San Francisco Bay Plan to Federal activities over the past decade.

In response to comments made by reviewers of the draft program--many of whom alleged that the Coastal Commission was not sufficiently responsive to national interest needs--the Commission adopted the current version of Chapter 11 on July 19, 1977. In adopting this material the Commission made numerous revisions to the chapter as it appeared in the draft program to clarify how national concerns-and especially energy issues-have been incorporated into the development of the CCMP and will be considered by the Commission in carrying out the program.

Other Material

Some confusion has been expressed over what is and is not included in the California Coastal Management Program. The above listing of the program components and summary of their major elements should resolve this problem. To avoid any further confusion, following is an explanation of how some important supplementary material is related to the CCMP.

(1) Attachments. Included in this document are several Attachments, such as the Local Coastal Program Manual, Commission Interpretative Guidelines, a sample LCP work program, information developed by the Coastal Commission staff, etc. In addition, the Table of Contents of this document incorporates into the Attachments by reference numerous other materials. The purpose of the Attachments, included or referenced, are to further document California's compliance with the CZMA requirements to support NOAA's environmental impact analysis of the CCMP, to substantiate various conclusions drawn in the EIS, to illustrate how the CCMP is being implemented in California, and to augment the responses made by NOAA to DEIS reviewers.

The Attachments are not a formal part of the California Coastal Management Program and, as such, cannot be used as a policy basis in the administration of the program, unless it is amended or refined. Nevertheless, they are valuable enough to the full understanding of the CCMP, the EIS, and NOAA's evaluation of the program relative to CZMA requirements that they are incorporated into this document.

(2) Supplementary Information. California's coastal management program is not a static element. Nor does the Commission exist in isolation of other governmental agencies or sources of information. The CCMP will continue to be refined to address new problems and to provide better answers to old problems. To accomplish this refinement, more and better information is needed. In some cases, this information will be drawn from studies being carried out under the direction of the Coastal Commission (e.g., the power plant siting study pursuant to Section 30413, the OCS study being carried out by OPR under contract to the Coastal Commission, etc.). In other cases, the work will be done in partnership with other agencies (e.g., the joint study with BCDC on integration of the two segments of the coastal program pursuant to Section 30410(a), the joint study with OPR on improving the effectiveness of the CCMP's implementation pursuant to Section 30415, etc.). And, much information will be derived from studies carried out entirely by other agencies for purposes other than CCMP implementation or refinement (e.g., the Energy Commission's Biennial Report, the Department of Parks and Recreation's California Outdoor Recreation Plan, OPR's Environmental Goals and Policies Report, etc.).

Some of these studies are already underway and drafts of their preliminary conclusions have been circulated for review. Unfortunately, this caused some confusion in the minds of a few reviewers of the draft program who criticized the CCMP on the basis of the erroneous assumption that these preliminary conclusions were part of the CCMP. The CCMP is limited to the five components listed at the beginning of this section. Other elements, conclusions, or information will be incorporated into the CCMP only after the Coastal Commission has thoroughly evaluated the material, refined it as necessary, and adopted it as Commission policy. Even then, these policies cannot be used as the basis of Federal consistency decisions under the CZMA until the CCMP has been formally refined or amended in accord with NOAA regulations for program revisions.

This does not prevent the Commission from "considering" reports and studies that are not a part of the program in making decisions on the national interest, public welfare, and balanced utilization of the coastal zone that are required by either the CZMA or the California Coastal Act. In fact, the Commission has an obligation to consider all relevant material--whatever its source--in making these decisions. But it cannot use any of this material, in isolation, as the basis for a CCMP decision; all CCMP implementing actions must be clearly based on the adopted policies of the management program.

CHAPTER 1

PRELUDE TO 1977

Historically, the use of California's coastal zone, like that of other coastal States, has primarily been regulated or not regulated by local jurisdictions. Over the years, a variety of new governmental agencies, local, regional, State, and Federal, were given some degree of regulatory powers over certain activities within the coastal zone. As of mid-1972, California's 1,072 miles of mainland coastline, excluding the San Francisco Bay, and its 300 or so miles of offshore channel island coastline, were subject to the jurisdiction of 15 counties, 45 cities, 42 State, and 70 Federal agencies.

Pressures from population expansion along the coast, conflicting demands on limited coastal resources, proliferation of regulatory governmental agencies, and the absence of any coordinated State or regional policy regarding California's coastal resources was leading to the rapid and highly visible deterioration of the coastal environment--especially in the more urbanized areas. Warnings about this condition and the need for some form of comprehensive, coordinated State plan or program for the long-range conservation and utilization of California's finite coastal resources were echoed in legislative resolutions and reports, State and local studies and reports, legislative hearings, proposals for legislation, and in numerous popular publications. As early as 1931 a joint legislative committee issued a report on "seacoast conservation."

Past efforts to promulgate effective State and regional coastal planning and management programs had, with one exception, produced virtually no action. An exception was the San Francisco Bay Conservation and Development Commission (BCDC), established in 1965 after a public outcry ("Save the Bay") about landfill and development in the Bay.

The BCDC was a pioneer in State land use planning and development regulation. Despite numerous efforts, no similar commission was established for the California coast. When comprehensive coastal legislation was finally enacted in California, it was through the efforts of citizen organizations, not their elected representatives. On November 7, 1972, California voters, by a 55 to 45 percent margin, enacted a law placed on the ballot as an initiative: Proposition 20, the California Coastal Conservation Act of 1972 (hereinafter referred to as Proposition 20). With the passage of Proposition 20, the rules applicable to the use of California's coastal resources were radically altered. Proposition 20 established a temporary, four-year program for the comprehensive planning and management of coastal zone resources unlike any proposed, much less implemented, elsewhere in the United States. State and regional commissions were established and given a dual mandate to prepare a comprehensive, enforceable, long-range plan for the conservation and orderly development of the coast, and to regulate development while this plan was being prepared.

The permit procedure gave the Coastal Commission and regional commissions a firsthand look at the issues, and their experience with these issues provided a basis for policy making. For instance, they soon discovered one of the most difficult statewide issues was the balancing of private development with public recreation and access to the coast.

From 1973 to 1975, hundreds of public hearings were held on the evolving coastal plan. Coastal Commissioners and regional commissioners, working part-time, grappled with the complex and controversial issues facing the coast: energy, preservation of marine and land environments, shoreline access, recreation, transportation, development, and design.

The plan was completed in the fall of 1975 and was submitted to the Governor and the Legislature on December 1 of that year. At that time, the Coastal Commission and regional commissions as established by Proposition 20 had only a year remaining. In submitting the plan, Coastal Commission Chairman Mel Lane said, "Now the future of the coast is in your hands; under the present law, the Coastal Commission will go out of existence on December 31, 1976."

During the 1976 Legislative session, the Coastal Commission and regional commissions continued to operate under the original mandate of Proposition 20. The Coastal Commission and regional commissions carefully reviewed permit processes and began to study various methods for implementing local coastal program procedures outlined in the plan, if and when the plan was to be enacted by the Legislature.

The original coastal bill, SB 1579, was introduced in the Senate in February 1976. After several hearings, the bill was approved in one committee but in June 1976, it failed to clear the Senate Finance Committee. For a while it seemed as if coastal legislation was dead until the next year, when the bill was quickly revived as amendments to a minor bill, SB 1277, had already received Senate hearings and approval. In two months SB 1277 emerged from both houses of the Legislature as the basis of California's coastal management program (see Appendix 1). SB 1277 supporters agreed to several amendments, contained in a "cleanup" or trailer bill, AB 2948, which was itself amended by AB 400. Meanwhile, another part of the program was being acted on separately; AB 3544 (see Appendix 2) to establish a State Coastal Conservancy, was passed just after SB 1277. A third piece of legislation, SB 1321, a coastal parklands acquisition bond act, was placed on the November 1976 ballot as Proposition 2; it was approved by the voters. AB 400 appropriated operating funds and additional acquisition funds, and an earlier bill, AB 2133, provided funds for coastal wetlands acquisitions.

On January 1, 1977, when the Coastal Act and other laws came into effect, a permanent coastal management program for California was established.

CHAPTER 2

A BRIEF LOOK AT THE MANAGEMENT PROGRAM

A. The Management Program--A New Approach to Land Use Regulation...and Some Old Approaches

One of the principal means of implementing the Coastal Act is the regulation of land and water use. Government regulation is a long-established and constitutional method to protect the public health, safety, and welfare. In the past, regulation of land use has been primarily a local concern but, increasingly, State interests and conflicts between local agencies have proved the need for State involvement in conservation and development. Implementation of the Coastal Act through local land use regulations, with an overview by a continuing State coastal agency, is a new and promising approach to State and local cooperation. It offers the maximum in responsiveness to local conditions, accountability, and public accessibility, while assuring that local decisions will protect statewide concerns.

Regulation alone will not be sufficient; some of the provisions of the Coastal Act require active programs of public land acquisition. In most cases, these will be conducted by existing agencies and a new agency, the State Coastal Conservancy.

Because the coast contains resources of statewide importance, statewide perspective is needed in planning for the coast, along with local viewpoints. Moreover, no plan for the coast can be applied to the diverse and complex conditions of its 1,072 miles without a continuing need for interpretation, resolution of conflicts, and flexibility. It is essential, therefore, that statewide interests be reflected in the governmental process of implementing and applying Coastal Act policies. Other levels and agencies of government each have their own focus and concerns. The Coastal Act, accordingly, established a State agency, the California Coastal Commission, specifically charged with coastal management, assuring the breadth of jurisdiction and perspective essential in carrying out the objectives of the State legislation and the CZMA.

The Coastal Commission is predominantly a citizen commission. No administrative agency, headed by a single administration, can bring to coastal management and planning the breadth of interests and concerns that independent commissions can provide. Purely administrative decision-making would be less accessible and responsive to the general public. The commission structure allows the decision-making body to focus on basic policy choices inherent in coastal planning and management. Technical expertise can be provided by the staff, the assistance of other State agencies, technical advisory boards, or independent consultants, rather than in the membership of the Coastal Commission itself.

B. Precedents for the Management Program

The State of California established several agencies that utilize land use control, regional planning, and pollution control approaches, pre-dating the present coastal management program. A quick look at these agencies is appropriate:

The San Francisco Bay Conservation and Development Commission. In 1965 the legislature established the San Francisco Bay Conservation and Development Commission (BCDC) to develop the Bay Plan and to immediately protect the Bay from further unnecessary fill. In 1969 BCDC was given permanent status as the enforcer of the Bay Plan. The BCDC shares permit powers with other State and local agencies. Its jurisdiction covers the entire Bay subject to tidal action and extends landward 100 feet from the line of highest tidal action. This agency has received broad public support.

Tahoe Regional Planning Agency. In 1970 the Tahoe Regional Planning Agency (TRPA), a regional interstate agency, became operational. The TRPA's mission is to plan for and share, with the appropriate local agencies, land use controls over the Lake Tahoe basin. The rapid deterioration of Lake Tahoe, as had been the case with the San Francisco Bay, made some form of regional planning and management approach necessary. Access to the lakeshore was rapidly dwindling; water pollution threatened the destruction of the Lake's ecological balance and the closure of certain areas to swimming; air pollution had reached the point where comparisons to Los Angeles no longer appeared like bad jokes; the density and intensity of shoreline developments posed a serious threat to the surrounding environment; and high-rise apartments and

condominiums were destroying the very scenic beauty that made the lake such an attraction in the first place. The TRPA has attempted to reverse some of these trends and has become involved in an intense verbal and legal struggle with local governments, developer interests, and recently with conservationists because of its unique voting procedure. This conflict led to the creation of a separate California agency, California Tahoe Regional Planning Agency (Cal-TRPA) to also regulate development on the California side of the Lake. Although TRPA has not enjoyed the acclaim of BCDC, it has furthered the cause of regional planning and management of a regional resource.

State and Regional Water Quality Control Boards. In 1970 a new law became operative in California that has enabled the State Water Resources Control Board and nine California Regional Water Quality Control Boards to implement a strict program of water quality control. The State board is responsible for protecting California's waters. It also has appellate and policy jurisdiction over the regional boards. The work of these boards has been well received by the public. As a result of this water quality control program, California has been viewed as one of the leaders in this field.

Together, these and other agencies such as the Air Resources Board and local air pollution control districts have provided valuable precedents for the approach embodied in the Coastal Act. In addition, the experience with various features of these agencies and their programs, such as membership composition, State/regional relationships, permit power, planning programs, etc., proved to be invaluable in the preparation of the Coastal Act.

C. Approaches to the Management Program

The Coastal Act is founded on the experience of planning and regulation conducted by the Coastal Commission's predecessor from 1972 through 1976. The Coastal Commission and the Coastal Plan it developed and adopted were in turn the outcome of Proposition 20. The origins of the present management program can be seen in the variety of approaches to resources planning and management discussed when the legislation that eventually became Proposition 20 was being constructed in 1970 through 1971.

From the outset it was apparent that scattered and numerous local governments could not lay the groundwork for a comprehensive coastal management program for California. The question at hand was, at what level could an effective, meaningful, and comprehensive coastal resources planning and management program be developed? It was felt that the local government level simply did not have the resources, the legal jurisdiction, or the perspective and overview necessary to prepare a comprehensive statewide plan. The problems of the entire coastal zone transcend political boundaries. Also recognized was the fact that local governments could not be expected to serve with their limited resources the public interest of the entire State.

For the initial stages of preparing a comprehensive coastal management program, a State agency approach was considered the most desirable. In this way the State's resources could more readily perform the task. The Coastal Commission and regional commission structure established in Proposition 20 was modeled after the Water Quality Control Boards. This approach, it was believed, was best suited to take into account the unique character, needs, and problems of particular regions. Subsequently, the regional commissions reflected regional dynamics while the Coastal Commission provided the framework and the means for statewide coordination and policy. In addition, membership of these commissions was constructed so as to assure that affected local governments were adequately represented.

After passage of Proposition 20 and the commencement of coastal planning, a different approach evolved. The Coastal Commission determined a permanent coastal management program could best be implemented on a local level with State government guidance. As recommended in the Coastal Plan, the Coastal Act provided for delegating a proviso that they work within the policy guidelines of the legislation and the Coastal Commission.

The Coastal Act thus established a unique partnership between State and local government by proposing implementation of coastal policies through local land use regulation with an overview by a continuing State commission.

D. How the Program Will Work

The legislation gives the Coastal Commission primary responsibility for implementing the provisions of the Coastal Act, and it designates the Coastal Commission as the State coastal zone planning and management agency with the authority to exercise any and all powers set forth in the CZMA or any other Federal act that relates to the planning or management of the coastal zone. The Coastal Act also recognizes that statewide coastal concerns should be reflected in local land use plans and regulations, and it requires that local governments and ports submit their plans and ordinances to the Coastal Commission for certification as local coastal programs and port master plans. Once local plans and ordinances have been certified as consistent with the policies of the Coastal Act, local governments will take on major responsibility for implementation of the Coastal Act. Each local government lying wholly or partially within the coastal zone is required to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. The Coastal Commission will prepare and adopt specific guidelines for the preparation of local coastal programs, but in general, the local coastal program will consist of an approved land use plan and zoning ordinance. For those areas designated by the Coastal Commission as "sensitive resource areas" and ratified as such by the Legislature within two years, additional implementing measures may also be required to assure the protection of these particularly sensitive areas.

Local land use plans will be reviewed by both the Coastal Commission and regional commissions to establish their consistency with the policies of the Coastal Act, and implementing ordinances will be reviewed to assure conformance with the approved land use plan. The regional commission will be in existence until no later than June 30, 1979, at which time the Coastal Commission will take over all review of local coastal programs.

After certification of a local coastal program (or port plans) and after zoning and other implementing actions have become effective, the review authority for new development within the coastal zone will be delegated to local governments or port governing bodies. The following types of development, however, may be appealed to the Coastal Commission:

1. Any development between the sea and the first public road or within 300 feet of the inland extent of the beach or mean high tide line, whichever is a greater distance.

2. Any development located on tidelands, submerged lands, public trust lands, within 100 feet of any streams, wetlands, estuaries, or within 300 feet of the top of the seaward face of any coastal bluff.

3. Any development located in a sensitive coastal resource area.

4. Any development located in unincorporated areas when the proposed use is not designated as the principal permitted use under the zoning ordinance.

5. Major public works or major energy projects.

6. Within certified port plans, specific types of uses listed in Section 30715 (office or residential development, oil production facilities, etc.).

To insure that unwise development decisions do not occur while local plans are being brought into conformance with the Coastal Act, the Coastal Commission and regional commissions will exercise interim development controls. Prior to certification of a local coastal program, any development in the coastal zone will require a coastal development permit. Such permits will be issued by the Coastal Commission or the regional commission, provided that the proposed development (a) conforms to the policies in Chapter 3 of the Coastal Act and (b) approval would not prejudice the ability of the local government to prepare its local coastal program. The Coastal Act provides that a local government may assume the permit role prior to certification if it adopts development control procedures conforming to the Coastal Commission's procedures. Even if a local government assumes the permit role before certification, the Coastal Act allows appeals to the regional commissions and requires that certain types of development also receive a permit from the regional commission or Coastal Commission. These include: (1) development within 300 feet of the inland extent of beach or between the first public road and the sea, (2) development within 100 feet of wetlands, streams, or estuaries or within 300 feet of coastal bluffs, and (3) major public works or major energy projects.

The Coastal Act provides that all State and Federal agencies, to the extent applicable under Federal law, be required to conduct their activities in full compliance with the policies of the Coastal Act.

This summary was intended to be brief. Details of management program mechanisms appear primarily in Chapter 6 to 11, with citations to the relevant legislation.

CHAPTER 3

PROGRAM OBJECTIVES AND GENERAL MANAGEMENT POLICIES

A. Objectives

The California Legislature, in the Coastal Act, declared that the State's basic coastal program goals are to:

> "(a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
> (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
> (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
> (d) Assure priority for coastal-dependent development over other development on the coast.
> (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone." (30001.5)*

B. Coastal Issues and General Management Policies

Chapter 3 in the Coastal Act is a key chapter which sets forth numerous resources, planning and management policies consistent with the goals of the Coastal Act. Primarily, the policies constitute the standards by which the adequacy of local coastal programs and the permissibility of proposed developments will be determined. (30200). They are also mandated policies for all public agencies involved in coastal zone activities. (30003). These policies, in short, are fundamental parts of the management program.

The following sections reiterate these policies. Each set of policies is introduced with the rationale for the policies, based on the Coastal Plan, which provided background for the Coastal Act. (30002)

Public Access

Of California's 1,072 miles of mainland coast, approximately 263 miles were legally available for public access in the latter part of 1972, when the people of the State were considering the ballot's Proposition 20. The State Constitution in fact guarantees the right of public access to the ocean, but this right has not always been enforced, and many parts of the coast are now fenced or are otherwise inaccessible.

While the Coastal Act places special emphasis on adequate public access, it also recognizes public safety needs, the need to protect public rights, rights of property owners, and natural resource areas for overuse, and the need for additional policing, litter control, and other measures. The policies balancing these needs are:

> "In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." (30210)
>
> "Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetarian." (30211)
>
> "Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

*Unless otherwise indicated, parenthetical numbers refer to sections of the California Public Resources Code. The Coastal Act is Division 20, commencing with Section 30000 (see Appendix 1).

"Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 2 of Article XV of the California Constitution." (30212)

"Wherever appropriate and feasible, public facilities, including parking areas, or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area." (30212.5)

Along the immediate shoreline, home, businesses, and industries have often cutoff existing public access, have used up available road capacity and off-street parking, and have precluded use of the coastline area for recreation. Development has an impact on transportation systems serving the coast and can also reduce upland recreational opportunities that would otherwise relieve demand on the shoreline. A development policy deals with the relationship of access and development:

"The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreational areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development." (30252)

In recent years much coastal property has increased rapidly in value, so people of limited means, including many elderly people, can no longer afford to live in some coastal neighborhoods. This problem is addressed as follows:

"Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65301 of the Government Code." (30213)

Recreation

The California coast provides recreation for millions of people every year--many from within the State, but many from other parts of the country and the world as well. Serving their needs provides California with jobs and income constituting a valuable part of the State's economy. Visitor surveys, filled campgrounds, and jammed parking lots make clear that even more visitors would be at the coast if there were more room for them. A study by the State Department of Parks and Recreation in 1971 showed deficiences in a variety of recreational activity opportunities. For example, deficiencies were found in such recreational activities as ocean swimming due to insufficient parking facilities, sport fishing due to a "critical shortage" of public land, skin and scuba diving due to a scarcity of quality diving areas, and camping due to insufficient facilities. The same study noted that "bicycling and hiking trails along the coast of California are essentially non-existent."[1]

The scarcity of public access to beaches, tidepools, and other shoreline areas and deficiencies in coastal recreational opportunities provided the most compelling reasons for public concern and active involvement in efforts to enact coastal zone planning and management legislation.

The Coastal Act will increase public access to the shoreline and help correct current deficiencies in coastal recreational opportunities both through the permit process and as an integral part of local coastal programs. Relevant policies are:

"Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses." (30220)

"Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area." (30221)

"The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry." (30222)

"Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible." (30223)

While giving considerable emphasis and priority to the use of scarce coastal lands for public recreation and public-serving commercial recreation uses, the Coastal Act also recognizes (in several of the public access policies noted above) that many areas cannot accommodate unlimited crowds without environmental damage, and provides limits be placed on access and recreational use as necessary.

In recognition of the need to meet public demand for coastal recreation, and to protect existing facilities and resources from overuse, the Legislature placed the State Urban and Coastal Park Bond Act of 1976 on the November 1976 ballot. Approved by the voters, this measure assures funding for many of the acquisition sites and recreational facilities recommended in the Coastal Plan.

The demand for recreational boating has grown sharply in recent years, and in many coastal marinas there is a shortage of berths. In the past, small-boat marinas were often created by dredging and filling valuable marshes or other wetlands. Because such areas are essential to protect the State's fish and wildlife, and because boating can be accommodated elsewhere without habitat destruction, the Coastal Act draws limits to the development of marinas while simultaneously encouraging increased boating:

"Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land." (30224)

Other policies permit certain boating facilities in degraded wetlands under certain conditions.

Marine Environment

California's coastal waters are among the world's most productive marine environments, but since the turn of the century, there has been an ominous decline in the quantity of food fish caught in the State's coastal waters, especially near intensively developed urban areas. The reasons are threefold: 1) overharvesting of some popular fish, shellfish, and marine mammals has depleted their numbers; 2) until recently, the ocean has been viewed as a convenient dumping ground for all sorts of waste products, including materials poisonous to marine life; and 3) coastal wetlands, which serve as "nursery grounds" for many species of fish and wildlife, have been dredged and filled for development. The Coastal Act's principal policy on marine resources is:

"Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes." (30230)

The Coastal Act also specifies a number of measures to protect these resources:

"The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams." (30231)

Of California's many biologically productive wetlands and estuarine areas over two-thirds have been destroyed by drainage, filling, and dredging. These critical areas, together with the nearshore areas of the coastal zone, constitute the most productive link in the ocean's food chain. As noted in the California Comprehensive Ocean Area Plan (COAP), a study and inventory of coastal resources and problems, "the continued reduction of these coastal wetlands is one of the most serious problems facing man in coastal zone fishing and wildlife management."[2] Effective conservation and restoration programs for living wetland, estuarine, and nearshore marine resources have been largely ignored in the past. The Coastal Act includes policies to protect these resources:

> "(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
>
> (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
> (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
> (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities, if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
> (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.
> (5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
> (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
> (7) Restoration purposes.
> (8) Nature study, aquaculture, or similar resource-dependent activities.
>
> (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
> (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division." (30233)

Elsewhere in the Coastal Act, provision is made for mitigation measures:

> "Where any dike and fill development is permitted in wetlands in conformity with this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided, that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time." (30607.1)

Because of the expected increase in energy facilities, tanker traffic, and offshore drilling along the coast, the Coastal Act addresses the problem of oil spillage with this policy:

"Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur." (30232)

The reduction of commercial fishing facilities and the popularity of recreational boating and the possible conflict between these two types of facilities resulted in this policy:

"Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of commercial fishing industry." (30234)

Seawalls, breakwaters, revetments, groins, harbor channels, cliff retaining walls, and other structures near the shoreline can detract from the scenic appearance of the oceanfront and can alter natural shoreline processes. Yet some of these structures are necessary:

"Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible." (30235)

The Coastal Plan found coastal streams directly affect the coastal environment in several ways, being, among other things, interrelated with the estuarine systems, vital to anadromous fish that live in both salt and freshwater, and collectors and transporters of sand to supply coastal beaches. The Coastal Act addresses the various development pressures on streams in the coastal zone as follows:

"Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat." (30236)

Land Resources

The Coastal Act recognizes the richness of the nearshore ocean habitat. Recognizing many plants, animals, birds, and marine creatures are dependent on the unique environment of the coast and can only survive in this setting, the Coastal Act affords protection to the sensitive resources of the land environment:

"(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

"(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas." (3024

The rich alluvial soils in coastal valleys, combined with temperate climatic conditions, create some of the finest and most productive agricultural land in the Nation. The presence of the sea moderates the climate and helps create an extended growing season and protect coastal crops from frost damage. Yet, much of the prime agricultural land in the coastal zone has been lost to urban development; in the coastal counties, one out of 12 acres (about 8 percent of the cropland) was converted in the 1960's. Urbanization pressure causes problems for remaining agriculture. For example, subdivisions and lot splits fragment land and ownership patterns, making some farm operations less practical. High land costs and taxes increase operating costs. In addition, residential development near agricultural areas brings complaints about farm dust, odor, pesticides, and noise, while it increases the problems of vandalism, trespassing, dogs and other animals, and air pollution that adversely affect agriculture.

The policies of the Coastal Act are aimed at maintaining the maximum amount of prime agricultural land in production:

> "The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:
> (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
> (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
> (c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
> (d) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
> (e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands." (30241)

> "All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands." (30242)

The coastal forests in northern California are a valuable, renewable economic resource whose improper management was found to have resulted in reduced historical timber inventory. The Coastal Act seeks to maintain forest land in production:

> "The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities." (30243)

The Coastal Act addresses the preservation of archaeological and paleontological resources as:

> "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required." (30244)

General Coastal Development

Perhaps the most controversial aspect of coastal management involves the regulation of development. The Coastal Plan made several key findings about the role of development in the coastal zone; priorities are needed among competing coastal zone uses; concentrating development enhances use of the coastal zone; properly located high-intensity development can absorb some demand for coastal land; and growth can be accommodated away from the coastline. Following, in general, the recommendations of the Coastal Plan, the Coastal Act establishes these development policies:

> "Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland." (30255)

> "(a) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.
> (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

"(c) Vistor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors." (30250)

"New development shall:
(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
(4) Minimize energy consumption and vehicle miles traveled.
(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses." (30253)

The growth-inducing nature of large public works projects such as sewage systems, wastewater treatment plants, water systems, and highways is recognized and addressed in the Coastal Act:

"New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of the division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new developemnt inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development." (30254)

The California coastline is a visual resource of great variety, grandeur, contrast, and beauty. In many areas coastal development has respected the special scenic beauty of the shoreline, but in others incompatible development has degraded and altered the attractiveness of the coast. The Coastal Act addresses the preservation of views and scenery in this fashion:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting." (30251)

Industrial Development, Energy Facilities, and Ports

The developments with perhaps the most direct impacts, both localized and regional, on coastal zone resources are large industrial facilities, including energy-related developments. The Coastal Plan analyzed the needs for such facilities, and the impacts of them, in great depth, and the Coastal Act establishes many specific, detailed policies (30001.2, 30260-30264, 30413, 30707). In a major policy statement near the beginning of the Coastal Act,

"The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state." (30001.2)

A second major policy on industrial development in Chapter 3 of the Coastal Act concerns coastal-dependent developments that had to have a coastal location in order to function at all:

> "Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibily be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or, more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible." (30260)

The Coastal Act also addresses the particular siting and development of tanker terminals, liquefied natural gas (LNG) terminals, oil and gas production facilities, refineries and petrochemical facilities, and power plants.

With regard to tanker facilities, the Coastal Act calls for multi-company use of existing and new tanker facilities, to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. Tanker facilities are to be designed to minimize the total volume of oil spilled, minimize the risk of collision from movement of other vessels, and have ready access to the most effective feasible containment and recovery equipment for oil spills. (30261(a))

The Coastal Act permits only one LNG terminal in the coastal zone until the risks inherent in LNG terminal operations can be sufficiently identified and overcome or there would be substantial public harm because of interrupted supply. Until such terminals are found to be consistent with the health and safety of nearby human populations, LNG terminals may be built only at sites remote from human population concentrations. When LNG terminal operations are found to be consistent with public safety, terminal sites may be approved in developed or industrialized port areas only. (30261(b))

The Coastal Act permits oil and gas development consistent with a number of conditions related to safety and assuring minimal environmental impacts (30262). New or expanded refineries or petrochemical facilities, if not consistent with the other policies of the Coastal Act, may be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within a sufficient buffer area to minimize adverse impacts on surrounding property (30263 (a)). New or expanded refineries or petrochemical facilities will also be required to meet all applicable air quality standards and shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from implant processes where feasible (30263(b) and (c)). The Coastal Act states that ". . . new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant service area which have been determined to be acceptable pursuant to the provisions of Section 25516." (30264)

The Coastal Act has several provisions specifically treating major energy facilities and public works projects. Because of the special emphasis to address energy impact planning in coastal management programs by the CZMA, further discussion on this subject is found in Chapter 9.

Chapter 8 in the Coastal Act governs the southern California ports of Hueneme, Long Beach, Los Angeles, and the San Diego Unified Port District and establishes policies to govern development. It declares that coastal planning requires no change in the number or location of the established commercial port districts. These ports are required to submit for Coastal Commission approval port master plans. Thereafter, if the plans are certified, permits for approved in-port development do not require a permit from the Coastal Commission. Instead, each port governing body will act on development proposals in its jurisdiction.

However, certain types of development are appealable to the Coastal Commission and regional commissions to determine conformity to the certified port plan. Under the Coastal Act, port master plans shall include: (1) proposed uses of land and water areas; (2) the projected design and location of port land and water areas, berthing, and navigation ways; (3) an estimate of the effect of development on habitat areas and the marine environment, including proposals to mitigate adverse impacts; and, (4) provisions for public participation in port decision-making, inclusion of detailed information in the master plan, and a list of appealable proposed projects, prior to master plan certification.

Conflicts Between Policies

The Coastal Act includes guidance and direction for resolving conflicts that might arise between the policies of the Coastal Act:

> "The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies." (30007.5)

It is expected that local governments, State and Federal agencies, and the various applicants for coastal development permits will comply with the intent of this policy guidance.

REFERENCES

1. California Department of Parks and Recreation, California Coastline Preservation and Recreation Plan (August 1971), pp. 53-75.

2. California Resources Agency, Comprehensive Ocean Area Plan (1972), p. 8.

CHAPTER 4

THE COASTAL MANAGEMENT AREA

A. The Coastal Zone and Permit Area Before 1977

Proposition 20 drew a distinction between a planning area about five miles wide that was termed "the coastal zone" and a "permit area" 1,000 yards wide within which the Coastal Commission and regional commissions would regulate development during the four-year planning period. It is necessary to keep that original distinction in mind in the discussions below on subsequent changes in the area now subject to the California Coastal Management Program.

Coastal Zone (Planning Area) Under Proposition 20:

> "'Coastal Zone' [meant] that land and water area of the State of California from the border of the State of Oregon to the border of the Republic of Mexico, extending seaward to the outer limit of the state jurisdiction including all islands within the jurisdiction of the state and extending inland to the highest elevation of the nearest coastal mountain range, except that in Los Angeles, Orange and San Diego Counties, the inland boundary of the coastal zone [was] the highest elevation of the nearest coastal mountain range or five miles from the mean high tide line, whichever is the shorter distance." (27100)

Permit Area. Included within the boundaries of the coastal zone, or planning area, during the term of the 1972 Coastal Act (until December 31, 1976) was a development permit area:

> "'Permit Area' [meant] that portion of the coastal zone lying between the seaward limit of the jurisdiction of the state and 1,000 yards landward from the mean high tide line of the sea subject to the following provisions:
>
> "(a) The area of jurisdiction of the San Francisco Bay Conservation and Development Commission, together with all contiguous areas 2,900 feet landward thereof, and any river, stream, tributary, creek or flood control or drainage channel which flows into such area, [was] excluded."
>
> "(b) If any portion of any body of water which is not subject to tidal action lies within the permit area, the body of water together with a strip of land 1,000 feet wide surrounding it [was included]; provided, however, that this subdivision did not apply to any river, stream, tributary, creek, or flood control or drainage channel when a portion of it [lay] within the permit area."
>
> "(c) Any urban land area which [was] (1) a residential area zoned, stabilized, and developed to a density of four or more dwelling units per acre on or before January 1, 1972; or (2) a commercial or industrial area zoned, developed, and stabilized for such use on or before January 1, 1972, [could], after public hearing, be excluded by the regional commission at the request of a city or county within which such area is located. An urban land area [was] 'stabilized' if 80 percent of the lots [were] built upon to the maximum density or intensity of use permitted by the applicable zoning regulations existing on January 1, 1972."
>
> "Tidal and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach or of the mean high tide line where this is no beach [could] not be excluded." (27104)

Essentially, the Coastal Commission and regional commissions found themselves working with a planning area and a permit area that were not drawn up after months of study but rather quickly during the citizen effort to institute interim regulation controls. Drawing a more rational boundary was a major task of the coastal planning process from 1973 through the publication of the Coastal Plan in late 1975 and into the drafting of the Coastal Act in 1976.

The Coastal Plan proposed two jurisdictions: a coastal zone and a coastal resource management area, the first being larger than the second. The coastal zone as proposed in the plan was basically the same as that established by Proposition 20. The coastal resource management area, on the other hand, resembled the Proposition 20 1,000-yard permit area only in function. Instead, to the greatest possible extent, the coastal resource management area was resource-based. It extended from the high tide line inland to include (1) all significant coastal resources (including natural, manmade, and recreational resources) and (2) areas where development could directly or cumulatively affect public access to coastal recreational areas -- for example, by overloading coastal access roads.

The significant coastal resources included in the coastal resource management area as proposed and mapped in Part IV of the Coastal Plan were: beaches, dunes, wetlands, estuaries, and their immediate drainage areas; significant wildlife habitat areas; agricultural lands influenced by the coastal climate or otherwise designated in plan plan policies; existing public recreational areas; (for example, the Santa Monica Mountains); special coastal neighborhoods; and other manmade resources as defined in the glossary of the Coastal Plan. (Offshore rocks and islands were also included.) Areas where development was seen as affecting coastal access included urban coastal recreation centers confronted with severe congestion problems (including, for example, the Marina del Rey-Venice area west of Los Angeles) and open coastal areas where there are few public access roads (for example, Malibu).

The Coastal Plan proposed, within the coastal zone, major energy facilities and State and Federal projects be subject to the permit authority of the State coastal agency. The coastal resource management area was to be the area within which local plans would be brought into conformity with the Coastal Plan, as recommended in Part III of the Coastal Plan.

The Coastal Plan maps showed boundary lines approved by the Coastal Commission on the basis of regional commission recommendations, in turn based on the permit experience and other factors, including public and government comment. The extent of coastal management had been, naturally, a frequently addressed subject during the extensive hearings that led to the Coastal Plan.

B. Coastal Zone Established by the 1976 Coastal Act

The Coastal Plan was the basis for the coastal legislation, and the Coastal Act recognizes both the study of coastal issues and the plan for the orderly, long-range conservation, use, and management of the natural, scenic, cultural, recreational, and manmade resources of the coastal zone (30002). The Legislature, quite obviously an independent body, with a broad, statewide representation, was not bound to the Coastal Plan in all its respects. Many legislators felt that the distinction between the Proposition 20 coastal zone and the one proposed in the Coastal Plan, the proposed coastal resource management area and the old 1,000-yard permit area, and the various "parts" of the coastal zone that were identified as places where specific Coastal Plan policies should apply (among the sub-areas identified in the glossary of the plan are "oceanfront area" and "nearcoast area"), created an implementation system that was overly complex.

The Coastal Act simplifies the proposed system by establishing a newly defined coastal zone that is essentially the same as the Coastal Plan's coastal resource management area. Drawing not only on the extensive planning but also on the four-year permit experience of the Coastal Commission and regional commissions, the Coastal Act establishes this definition:

> "'Coastal zone' means that land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area." (30103(a))

So, rather than attempting a long, property deed-like description of the boundaries, the Coastal Act describes the inland line as being at 1,000 yards, with the exception of "significant coastal estuarine, habitat, and recreational areas" -- then referenced on an official map which was drawn by the Coastal Commission and authorized by the Legislature that is on file in the Secretary of the State's office in Sacramento. This map, at a scale of 1:62,500, has 21 large sheets and is available for $13 for a complete set.[1] The Coastal Commission has prepared more detailed -- 1:24,000 -- maps.[2] Importantly, the Coastal Commission was given authority to adjust the landward boundary up to 100 yards to avoid bisecting a single lot or parcel or to conform it to identifiable natural or manmade features.

The Coastal Act, in short, defines a coastal zone but references a boundary on a map that can be adjusted to a minor extent but can be modified in any significant way only by the State Legislature. Experience had shown that the 1,000-yard line had a basis: the permit process had demonstrated that the 1,000-yard area was generally sufficient to protect significant coastal resources and to assure public access to the coast.

But while in some areas there were reasons to leave the jurisdiction at 1,000 yards, there were numerous areas along the coast where coastal resources that would benefit from greater protection extended inland, well beyond the Proposition 20 line. There are 18 of these significant coastal estuarine, habitat, and recreational areas - which became known during the legislative session as "bulges." In all, they run a total of 412 miles along the coast and extend inland, at the widest points, an average of five miles from the mean high tide line. These inland extension areas are:

1. Lake Earl, Talawa, Smith River Delta
2. Freshwater, Stone, and Big Lagoons
3. Eel River Delta
4. Ten Mile Estuary, Ten Mile Dunes, and Inglenook Fen
5. Sonoma-Mendocina Coast
6. Willow Creek-Bodega Bay
7. Tomales Bay
8. San Mateo-Santa Cruz Coast
9. Elkhorn Slough
10. Big Sur Coast
11. Morro Bay
12. Nipomo, Santa Maria, Guadalupe, and Vandenberg Dunes
13. Point Arguello to Gaviota
14. Carpinteria
15. Santa Monica Mountains
16. Irvine Coastal Area
17. Agua Hedionda to Los Penasquitos Lagoons
18. Tijuana Estuary.

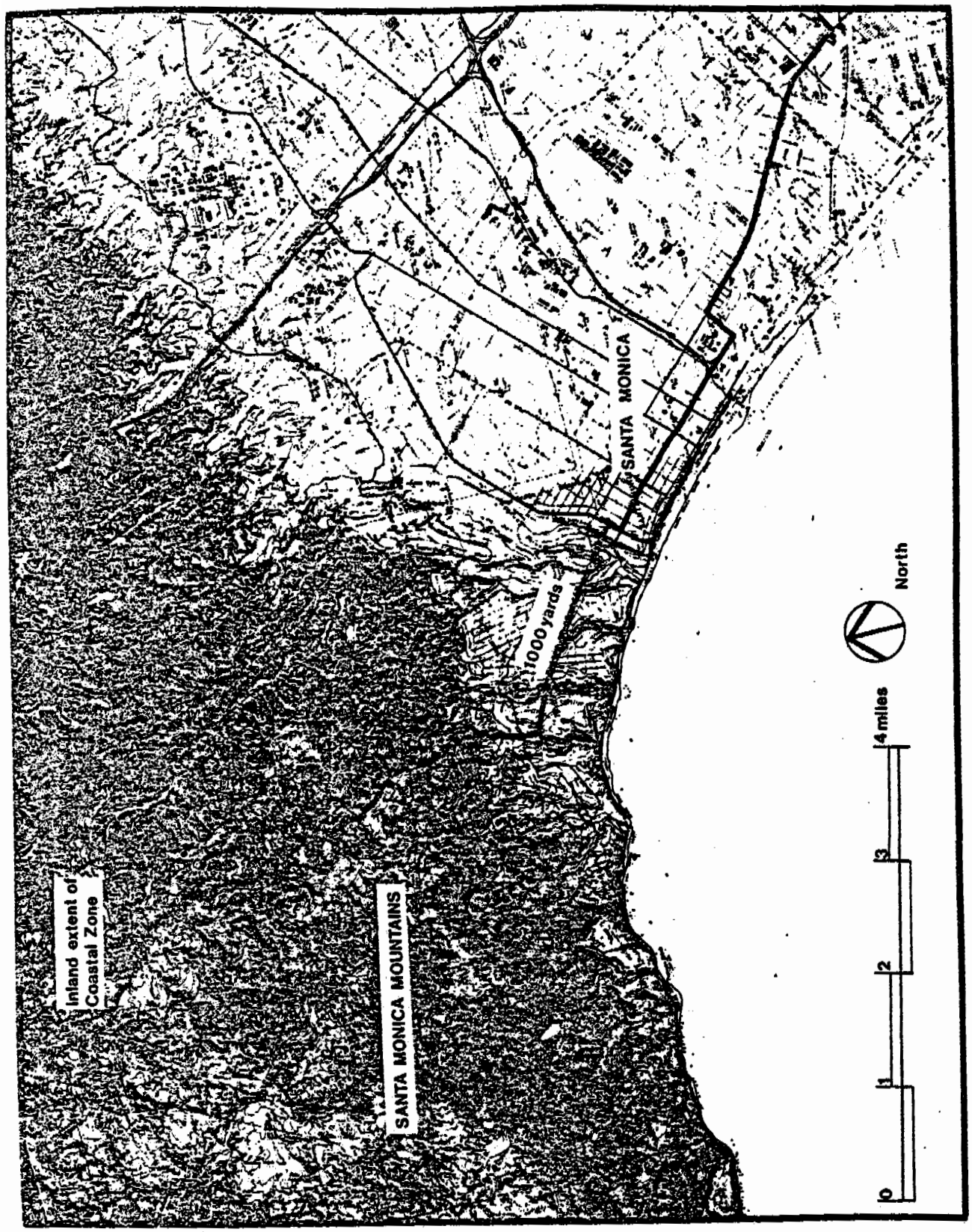
All of these had been identified in the Coastal Plan and had been recommended for inclusion in the coastal resources management area, which evolved into the present coastal zone.

Attachment by Reference No. 2 contains a list of the 18 "bulges" with the rationale in each case for delineating the boundary.

While the Legislature determined that the coastal zone should remain at about 1,000 yards in many areas and should "bulge" in others to protect significant resources in other areas, it also determined that the boundary line could be drawn significantly seaward in areas where development would have little if any impact on resources or public access. Almost all of these areas are heavily urbanized and the Coastal Act, like Proposition 20, recognized there were few coastal-related concerns that could be addressed by applying coastal development policies in these areas. Among these urban areas are Fort Bragg, San Francisco-Daly City, Capitola, Monterey and parts of the Monterey Peninsula, Santa Barbara, Santa Monica, Long Beach, and other Los Angeles-area cities, Huntington Beach, La Jolla, and San Diego. By no means are all of these areas excluded from the coastal zone, but the line is significantly seaward of the 1,000-yard line depending on local circumstances.

To aid the reader in understanding the whole process, see the accompanying map, Figure 1, and text that shows why, in the area from Malibu to Marina del Rey the line was drawn at 1,000 yards, or further inland, or further seaward.

Figure 1


Inland extent of Coastal Zone
SANTA MONICA MOUNTAINS
1000 yards
SANTA MONICA
North
0
1
2
3
4 miles

DELINEATING THE COASTAL ZONE BOUNDARY: A DESCRIPTIVE EXAMPLE

The process by which the present coastal zone boundary was drawn, beginning at the Oregon State line and ending at the international border with Mexico, was long and complex. It would take more than 100 sheets at the size and scale of the accompanying map to show the coastal zone boundary in detail, and perhaps 100 pages of running narrative to describe where the line is and why. Instead, it is hoped that an example will elucidate the methodology used to delineate the boundary.

The map and commentary describe an area west of Los Angeles: the Santa Monica Mountains, including part of the Malibu-Topanga coast, to the north; the City of Santa Monica; and Venice and Marina del Rey to the south. The coastal zone boundary as it runs through this area includes a residential area where the line is 1,000 yards from the mean high tide line, the general statutory limit of the coastal zone; an urban area where the line was drawn seaward of the existing 1,000-yard line; and a large "bulge" where the line goes inland to the major ridgeline or five miles to protect valuable coastal habitat and recreational resources.

Regional Overview

This part of the South Coast has come under severe development pressures in recent years as population and jobs shifted to the west. Those shifts, combined with increased recreational demands, have created severe public access and use conflicts. Access to the Malibu area historically has been difficult because Pacific Coast Highway (State Route 1) parallels the coast and is the primary access route for visitors and commuters traveling to and from the Los Angeles Basin. A few lateral roads through the Santa Monica Mountains connect Malibu with the San Fernando Valley, but as beach usage continues to increase (annual visitation is now in the millions) highway capacities and beach parking lots are severely overloaded during peak periods and summer weekends. Residential development on the seaward side of the coast highway has blocked access--and views--along 13 miles of the Malibu coast. Failing septic tanks threaten to pollute streams and offshore waters (Malibu is not served by a sanitary sewer system).

Further south, development ranges from single-family residences on the unstable slopes and terraces of Pacific Palisades to concentrations of high-density and high-rise residential and commercial uses along the bluffs in Santa Monica and in the vicinity of Marina del Rey. The older neighborhoods of south Santa Monica and Venice, offering housing opportunities for low- and moderate-income persons, are under pressures that would convert apartments to condominiums or demolish single-family houses to make way for high price, higher density units.

Boundary Description

In the north the coastal zone boundary includes significant parts of the Santa Monica Mountains, one of the 18 specifically identified coastal resource areas where the protection of resources and access requires the inclusion of an area landward of the 1,000-yard line. The line follows the major ridgeline, the Santa Ynez Ridge, where possible, but is five miles from the shoreline in the north because of the general statutory definition. The Santa Monica Mountains are the last large open space in the Los Angeles metropolitan area, representing a great potential for recreational development and use--hiking, horseback riding, nature study--linking the ocean to upland and inland areas. In the mountains are a number of State and local parks capable of serving a population area of 10 million people. The mountains are also the immediate upland area behind Malibu, not only a coastal area with high recreational value for its famous swimming and surfing beaches but an area where uncontrolled development would severely limit public access to the shore. The bulge is included in the coastal zone because it is important to have an adequate management area where habitat as well as long-term public access can be effectively protected, particularly since uncontrolled development threatens to make useless past and present expenditures for public beach and parkland.

The line follows the Santa Ynez Ridge seaward to near Pacific Palisades; then runs parallel to the shoreline 1,000 yards away. The area outside the coastal zone contains no coastal resources and is largely developed and was not felt to cause potential impacts on public access that would warrant a line more than 1,000 yards from the shore.

At San Vicente Boulevard in Santa Monica, the boundary line goes seaward about two blocks then follows Fourth Street parallel to the coast through downtown Santa Monica. The line is meant to limit coastal management to the area where development would have a direct impact on coastal recreational resources and particularly on public access. The line generally separates a stable, highly developed inland urban area from a shoreline urban area still undergoing development and redevelopment.

The boundary follows Fourth Street to Grant Street where it goes landward four blocks to Highway 1, following that south and thereby encompassing existing low- and moderate-income housing in Venice and several key, undeveloped parcels in the Marina del Rey area, both locations where coastal access opportunities are threatened.

C. Geographic Areas of Particular Concern Within the Coastal Zone

Along with discussion of the basis for drawing a coastal zone boundary must come a discussion of what the resulting coastal zone contains. In general, it can be said that the coastal zone itself and many geographically identifiable parts of it are areas of particular concern. Because of that concern, the management program provides for an interconnecting system of planning policies and regulatory performance standards to be applied for the next few years by a combination of Coastal Commission and regional commissions, State agencies, and various local jurisdictions, including ports.

The areas of particular concern can be placed in overlapping categories as follows: the coastal zone in general; significant coastal estuarine, habitat, and recreational resources; specified areas of concern; sensitive coastal resource areas; the Coastal Commission's reserved permit jurisdiction before certification of local coastal programs and appeal jurisdiction after certification; and, finally, areas to be acquired for public preservation and restoration.

Coastal Zone in General

The large geographical area of concern in the California Coastal Management Program is the entire California coastline and environs. The State recognized this in the early 1970's, first in the passage of Proposition 20 in November 1972, six months later in the publication of the State's Environmental Goals and Policies Report.

Approved by the voters, Proposition 20 contains this language: "The people of the State of California hereby find and declare that the California coastal zone is a distinct and valuable natural resource belonging to all the people and existing as a delicately balanced ecosystem." (27001)

The Environmental Goals and Policies Report, published June 1, 1973, nominated the 1,000-yard coastal development permit area established by Proposition 20 as an area of environmental resources and hazards of critical concern, important because of its recreation, access, and connecting link value.[3]

The Coastal Plan, submitted for implementation by the Legislature December 1, 1975, continued this emphasis on the importance of the coast. "The essence of the Coastal Plan," as noted in the document, "is that the coast should be treated not as ordinary real estate but as a unique place, where conservation and special kinds of development should have priority."

And, finally, in the action that made coastal management permanent, the Coastal Act declared:

> "(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem."
> "(b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation."
> "(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction." (30001)

In brief, the entire coastal zone is subject to management of one kind or another as provided, primarily, in the Coastal Act. The principal management technique will be regulation of development.

Significant Coastal Estuarine, Habitat, and Recreational Areas

As discussed in Section B of this chapter, the coastal zone boundary was extended inland in 18 areas -- an average of five miles -- for a total length of 412 miles in order to include various significant resource areas.

More Specific Areas of Concern

Beyond the rationale behind the definition of the entire coastal zone, the Coastal Act specified numerous geographical areas and resources -- all identifiable and mappable -- that would be subject to specific management policies. All are included within the coastal zone. Following is a brief but non-definitive list of those areas in unlabled groupings:

Sea
Marine environment
Sand transport systems
Local shoreline sand supply
All waters subject to the public trust
Offshore islands
Channel islands
*
Marine areas of special biological or economic significance
Coastal waters
Estuaries
Wetlands
Streams
Lakes
Degraded wetlands
Lagoons
*
Shoreline area
*
State lands
State tide and submerged lands, filled or unfilled
Public trust lands, filled or unfilled
*
Environmentally sensitive areas
Fish and wildlife habitat
Areas adjacent to environmentally sensitive habitat areas
Riparian habitats
Habitats in or near ports
Biologically sensitive areas on ports
*
Prime agricultural land
Agricultural lands around the periphery of urban areas
Areas adjacent to prime agricultural lands
Non-prime lands suitable for agricultural use
*
"Special treatment areas" (forested lands)
Commercial timberlands
*
Existing recreational areas
Dry sand and rocky coastal beaches to the first line of terrestrial vegetation
Coastal areas suited for water-oriented recreational activities designed to enhance public opportunities for coastal recreation
Upland areas necessary to support coastal recreational uses
Selected points of attraction for visitors
Special communities and neighborhoods that are popular visitor destination points for recreational uses
*
Existing recreational boating space and facilities
Natural harbors, new protected water areas, and areas dredged from dry land
Access corridors to boating harbors
*
Existing non-developed areas
Available lands not suitable for agriculture
*
Sites remote from human population concentrations
*
Highly scenic areas
Scenic coastal areas
Areas with views to and along the ocean
State Highway 1 in rural areas
Visually degraded areas

*
Natural landform areas
Bluffs and cliffs and natural landforms
*
Seismically hazardous areas
Areas of high geologic, flood, and fire hazard
Existing structures in danger of erosion
Existing structures in floodplains
*
Archaeological and paleontological resource areas
*
Air quality maintenance areas
*
Existing developed areas
Urban land areas
*
Specifically defined geographic areas in which a category of development has been found to have no potential for any significant adverse impact, either individually or cumulatively, on coastal resources or public access
*
Existing isolated developments
*
Existing coastal-dependent industrial sites
Developed or industrialized port areas
Port Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District
Fill basins on upland sites
Existing commercial fishing space and facilities
*
Property surrounding refineries or petrochemical facilities
Proposed sites of power plants and transmission lines
Specified locations where the siting of power plants would prevent the achievement of the Coastal Act policies
*
Public works facilities and areas
Special districts
State universities and colleges

The policies identifying these areas (see Chapter 3) constitute the standard by which the adequacy of local coastal programs and the permissibility of proposed developments are determined (30200). The Coastal Act requires compliance by all public agencies and all Federal agencies to the extent possible under Federal law or regulations or the U. S. Constitution (30003) The Coastal Act directs public agencies carrying out or supporting activities outside the coastal zone to consider the effect of those actions on coastal zone resources. (30200).

A more complete but non-exclusive categorical inventory of areas of concern, together with some of the language of the policies on the management and use of those areas, is noted as Attachment by Reference No. 2.

Sensitive Coastal Resource Areas

The Coastal Act, in determining what the Coastal Commission's appeal jurisdiction would be after the certification of local coastal programs, categorized several resources as "sensitive coastal resources." This is an important category that is one more element in the composition of the coastal management area and is intended to be applied to areas that cannot be protected through zoning ordinances alone. As defined,

"'Sensitive coastal resources areas' means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. 'Sensitive coastal resource areas' include the following:

(a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
(b) Areas possessing significant recreational value.
(c) Highly scenic areas.
(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
(e) Special communities or neighborhooods which are significant visitor destination areas.
(f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
(g) Areas where divisions of land could substantially impair or restrict coastal access." (30116)

The Coastal Act (30502 and 30502.5) requires the Coastal Commission to designate sensitive coastal resource areas by September 1, 1977, where the protection of coastal access and public resources requires. Each designation must be based upon a separate report adopted by the Coastal Commission that includes a specific determination that the area is of regional or statewide significance, and lists the significant adverse impacts that could result from development where zoning regulations alone may not adequately protect coastal resources or access. The recommended designations must be submitted to the Legislature for designation by statute. Unless the Legislature adopts a recommended designation within two years, it ceases to have any force and effect. Based, however, on the Coastal Commission's designation report, local coastal programs must include additional implementing actions (e.g., ordinances, regulations, or programs) adequate to protect the coastal resources in conformity with the Coastal Act's policies. After certification of local coastal programs, actions taken by a local government on a coastal development permit application for developments in sensitive coastal resource areas may be appealed to the Coastal Commission if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program. (30603(a)(3))

Coastal Commission's Reserved Permit Jurisdiction Before Certification of Local Coastal Programs

As will be discussed in greater detail in Chapter 7, the Coastal Act provides that local governments have the option, prior to certification of their local coastal program, of establishing procedures for regulation of coastal zone development in accordance with Coastal Act policies and Coastal Commission interpretive guidelines (30600(b), 30604, 30620, 30620.5). Whether or not the local government exercises this option, a permit would still be necessary from the regional commissions (or, on appeal, the Coastal Commission) for the following geographical areas that are, obviously, of immediate concern to the entire State:

> "(1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance."
> "(2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff." (30601)

(Section 30515 includes public works and energy projects as well.)

Coastal Commission's Appeal Jurisdiction After Certification

After certification of local coastal programs under the procedures outlined in Chapter 7, the Coastal Commission has an appeal jurisdiction which includes the three areas and developments mentioned above plus "[d]evelopments approved by the local government...located in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program." (30603(a)(5)) (The fifth jurisdictional category covers developments approved by a county that are not designated as the principal permitted use under the zoning ordinance or zoning district map. Some port projects are separately included in the appeal jurisdiction.(30715)

Areas Purchased for Public Preservation and Restoration

The last major element in the composition of the coastal management area should be mentioned -- the permanent protection and management that can be given to lands purchased for public preservation and restoration.

For the most part, the preservation and restoration of coastal resources will be carried out through the policies of the Coastal Act described in Chapter 3. When the policies of the Coastal Act or the tools of local government are inadequate to fully protect significant resources, the State Coastal Conservancy -- which is part of the California Coastal Management Program -- will provide additional means by which the protection may be accomplished. Chapter 10 describes the State Coastal Conservancy. Current acquisition sites are noted as Attachment by Reference No. 4.

D. Excluded Areas

For the purposes of the California Coastal Management Program, there are several types of lands which are excluded from the boundary definition of the coastal zone.

Excluded Federal and Trust Lands

Section 30008 reiterates the words of the CZMA and states "...excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal government, its officers or agents." (See Chapter 11 A for further discussion on excluded Federal lands.)

The Coastal Commission makes use of the General Services Administration document, "Real Properties Owned by the U. S.", which separates civil from military properties, as well as facility maps which have been provided to the Coastal Commission by the Federal agencies to identify these excluded lands. These documents are also available to local governments to use in their development of local coastal programs. These lands are addressed during the planning process as being excluded from the coastal zone and the coastal development permit unless otherwise noted in Section 307, Federal consistency regulations. (See Attachment D, Federally owned lands excluded from the California coastal zone.)

Surplus Federal lands are also excluded but the State is not precluded from planning for the potential use of those excess lands should they be acquirable. In addition, for the purposes of consistency and helping Federal agencies, the State will let those agencies which may choose to use the excess lands know what the status of the surrounding lands and water uses are, and any potential conflicts that may occur if the proposed Federal agency uses might be inconsistent with the approved management program and local coastal programs or affect the State's coastal waters. This would be done prior to any Federal agency acquiring such excess lands. This will be done in the spirit of cooperation, coordination, and to avoid future conflicts between State/Federal land and water use decisions.

Notwithstanding this exclusion of Federal lands, the CZMA strongly encourages Federal agencies to consider the impact of their activities on coastal resources, and in certain cases requires that their activities be consistent with the State program (Section 307). The Coastal Act, for its part, declares that "all Federal agencies, to the extent possible under federal law or regulations or the United States Constitution, shall comply with the provisions of this division." (Section 30003) (see Chapter 11 for more commentary on State/Federal relations.)

Excluded from the Coastal Act's Permit Provisions

The Coastal Act makes provisions for excluding certain areas (as well as certain developments) from the Coastal Commission's interim development permit system but not from the policies of the Coastal Act. The three types which the Coastal Act recognizes are 1) urban lands as defined by Section 30610.5 but which have not yet been delineated by local governments, 2) specifically defined categories of development or specific categories of development within defined geographic areas where the Coastal Commission finds no potential for any significant adverse effect on coastal resources or public access (Section 30610(d)) and 3) statutory exclusions which include development areas as defined in Section 30610. The categorical and statutory exclusions areas will be designated as appropriate and required. (See Chapter 7 for a discussion of the permit provisions.)

E. San Francisco Bay and the Delta

Two agencies have responsibility for the comprehensive planning and management of California's land and water areas along the California coastline: (1) the Coastal Commission with jurisdiction over all of the coastal zone, except San Francisco Bay; and (2) the San Francisco Bay Conservation and Development Commission, with jurisdiction over San Francisco Bay and adjoining San Pablo and Suisun Bays.

The San Francisco Bay Conservation and Development Commission (BCDC) was established in 1965 as a temporary agency to prepare a plan for San Francisco Bay. Based on the San Francisco Bay Plan adopted by BCDC in 1969, the State Legislature made BCDC a permanent agency with responsibility for regulating development in and around the Bay. Because BCDC is already carrying out a coastal management program based on an adopted plan, no Federal assistance for coastal zone planning (under Section 305 of the CZMA)has been requested for this agency; however, a separate application for Federal approval of the Bay Plan as a segment of the California coastal management program was approved by the Secretary of Commerce on February 16, 1977. San Francisco Bay has not been incorporated into the Coastal Commission's management program because the Bay was adequately protected under the provisions of the San Francisco Bay Plan during the development of the Coastal Plan.

According to the Coastal Act, the Coastal Commission and BCDC shall conduct a joint review of the Coastal Act of 1976 and the McAteer-Petris Act of 1969 (BCDC's legislation) to determine how the coastal management program administered by these two commissions shall be related to the Coastal Act (Section 30410). Their recommendations must be presented jointly to the Legislature not later than July 1, 1978. The actual changes that may occur as a result of the joint review and legislative recommendations will be addressed in a supplemental environmental impact statement which will be submitted when the two segments are combined into a single unified program.

The Sacramento-San Joaquin Delta is located just east of the San Francisco Bay. Freshwater from both the Sacramento and San Joaquin River systems flows through the Delta into the Bay -- the largest tidal estuary on the West Coast -- where it mixes with the saltwater from the Pacific Ocean. Though once a marsh, nearly all of the Delta was diked off many years ago for agricultural use, and the farmland in the Delta is now some of the most fertile and productive in California.

Although the Delta is an important natural resource, it is not within the jurisdiction of either BCDC or the Coastal Commission under present law. Furthermore, the CZMA does not require the inclusion of the Delta in the coastal zone because, unlike the waters in the Bay and along the rest of the Coastline, the water of the Delta is fresh and must remain so if it is to continue to be used for irregation and as a source of drinking water. (The CZMA defines coastal waters as waters adjacent to the shorelines, which contain a measurable quantity or percentage of seawater (Section 304(2)).)

Even though the CZMA does not require inclusion of the Delta within the coastal zone boundaries, these boundaries will have to be reviewed from time to time in light of changing conditions. The Delta's ecological relationship to the coast, and in particular to San Francisco Bay, is well-documented. Moreover, development pressures are increasing, particularly for water-related industry and for waterfront and recreational housing, to some extent because waterfront land for these uses is in increasingly short supply in the coastal zone. Water-related recreational use of the Delta is also increasing. All these uses compete with agriculture for the fertile soils of the Delta and indicate that the same trends that created the need for coastal management elsewhere in California are at work here also.

The California Coastal Management Program will be managed under the provisions of the Coastal Act as administered principally by the Coastal Commission, regional commissions, and local governments. San Francisco Bay and its shoreline will continue to be managed under the approach that has proven, over the past 10 years, to be the Nation's most effective program in regulating the use of a largely urbanized coastline through the use of the Bay Plan as administered by BCDC and other State agencies. The Delta, where the vast, rural area is just beginning to be exposed to development pressures, will not, for the immediate future, be addressed as part of the coastal management program, but will instead be managed by State agencies and local governments using existing regulatory authorities.

REFERENCES

1. The Coastal Commission has made arrangements with Addressograph Multigraph Corporation Graphics (440 Mission Street, San Francisco, California; telephone (415) 781-4353) to provide copies of the 1:62,500 boundary map referenced in the Coastal Act. The 21 sheets covering the entire coast are broken down as follows: North Coast -- sheets 1-6; North Central Coast, 7-8; Central Coast, 1-12; South Central Coast, 13-17; South Coast, 18-19; and San Diego Coast, 20-21. Individual sheets cost $1, the full set $13, plus tax and postage.

2. The State Coastal Commission has arranged with Graphco in San Francisco to provide the public with copies of the maps which delineate the coastal zone as provided in Section 30103(b) of the Coastal Act of 1976. These maps are U.S.G.S. 7-1/2 minute quadrangles especially prepared for this purpose. There are 161 maps covering the entire coastal zone and they are broken down as follows: North Coast, 1-40; North Central, 40-60; Central, 60-94; South Central, 93-133; South, 133-150; San Diego 150-161. Requests for these maps will be handled by the printer and the requester will be billed directly. The full set of maps will cost approximately $75.00 with individual maps costing about $2.00. Maps can be ordered by mail or can be picked up at the following address: Graphco, 450 Mission Street, San Francisco, California 94105, (415) 781-4353. The maps are keyed both by numbers and names with the names being identical to those used by U.S.G.S. in their 7-1/2 minute quadrangle series. If anyone has doubts as to which map or maps they need, they should contact the appropriate State or Regional Coastal Commission office for assistance. In addition to the copies at the State and Regional offices and for purposes of public viewing, copies have been placed on file with the County Clerk of each coastal county.

3. The report resulted from a legislative mandate to the Reagan Administration in 1970 when it was recognized that the growth and distribution of California's population was intrinsically related to impacts on the natural environment. A fundamental concept of the report is that beyond the State's self-evident interest in all of its resources, there are some resources which, because of unique natural values, high productivity, hazardous qualities, or special value for specific purposes, are of statewide interest and which should be carefully reviewed before irrevocable land use decisions are made. Furthermore, within areas of statewide interest are those which are threatened by immediate changes in land use, are of high value for food and fiber production, are vital to the survival of certain life forms, are the superlatives of their kind, or are of an immediate and severe hazardous nature to the welfare of the people of the State, and are, therefore, areas of statewide critical concern. The report went on to nominate potential environmental resources (including the coast) and hazards of critical concern.

CHAPTER 5

LAND AND WATER USES SUBJECT TO MANAGEMENT

Throughout the history of coastal zone management program development, California has either initiated or made use of extensive research and analysis of the impacts of various land and water uses on coastal resources. The most recent and comprehensive inventory of the natural and manmade coastal resources is provided by the Comprehensive Ocean Area Plan, completed in May 1972. This information was supplemented with other inventories, land and water use capability studies, economic and technical feasibility information, and extensive additional data. An extensive bibliography of source material was used in the preparation of the Coastal Commission's technical reports. The California Coastal Bibliography cites several documents which have been reviewed during the development process. Specific mapped information was drawn from several sources, including those listed on pages 286, 314, 328, 356, 392, 410, and 420 of the Coastal Plan. Additional specific work was accomplished during the Section 305 program development phase under the CZMA. Such work includes inventories and resource problem identification in areas such as San Dieguito and Batiguitos Lagoons, funded in part through Federal CZM funds and conducted by the California Department of Fish and Game.

The process of preparing technical reports, findings and policies from background technical information was lengthy, complex and costly. Technical studies and review comments from the public and private sectors revealed problems and issues. Based on these findings, policies were developed that would address the problems and relate land and water use allocation decisions to resource values.

While the California Coastal Management Program has a basis of sound scientific and technical background, it is also the product of the Commission's experience in the administration of thousands of coastal development permits from 1972 through 1976. Through this experience, California has been able to assess the kinds of developments and activities that should be regulated to control direct and significant impacts on coastal resources, and other interests to the State. This has provided the State the opportunity to refine policies during their formulation, based on more than scientific and technical data.

A. California's Approach to Use Permissibility

1. Definition of Land and Water Uses Subject To Management:

Section 305(b)(2) of the CZMA requires a State to define what constitutes permissible land and water uses within the coastal zone which have a direct and significant impact on coastal waters. In the context of the California Coastal Management Program, these terms refer to the land and water uses and activities subject to the management program's regulatory requirements, including but not limited to those defined in the Coastal Act as "developments" subject to a coastal development permit (30101.5), which is issued pursuant to Section 30600.[1]

Section 30106 defines a development which may take place on land, in or under water as:

- the placement of erection of any solid material or structure;
- discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste;
- grading, removing, dredging, mining, or extraction of any materials;
- change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such lands by a public agency for public recreational use;
- change in the intensity of use of water, or of access thereto;
- construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and
- the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

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[1] Other land and water uses or activities subject to management include, for example, developments not subject to a coastal development permit covered by Section 25500 (thermal power plants) and the uses and activities of Federal agencies covered by Section 307 of the CZMA. See also "Other Uses," No. 4 below.

The term "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siplion, aqueduct, telephone line, and electrical power transmission and distribution line.

These are the uses of the land and water resources which the Legislature found should be regulated in accordance with the policies of the Coastal Act because of their potential to adversely affect the coastal resources and the health and welfare of the people of the State and the Nation (30001, 30004(b)). Any use that falls within the definition of Section 30106, therefore, is subject to regulation and consistency with the policies of the Coastal Act.

2. Prior Approvals - Uses not Permitted by the Management Program:

Separate and apart from the California Coastal Management Program, other State, local and Federal laws control land and water uses in the coastal zone. Uses denied pursuant to other laws prior to consideration under the Coastal Act are not permitted under the California Coastal Management Program. Certain uses, described in Section 13053 of the Commission regulations cited below, may be approvable under the Coastal Act, but this approval does not assure that the use will be permitted under other State, local or Federal laws.

Section 30401 of the Act states:

"Except as otherwise specifically provided in this division, enactment of this division does not increase, decrease, duplicate or supersede the authority of any existing state agency. This chapter shall not be construed to limit in any way the regulatory controls over development pursuant to Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700), provided, however, neither the commission nor any regional commission shall set standards or adopt regulations that duplicate regulatory controls established by any existing State agency pursuant to specific statutory requirements or authorization."

Further, Section 30005(a) of the Act provides:

"No provision of this division is a limitation on any of the following: (a) except as otherwise limited by state law, on the power of a city or county to adopt and enforce additional regulations, not in conflict with this act, imposing further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone."

Coastal Commission regulations have been adopted to assure that, in most cases, applications for development projects have been permitted by other State and local law prior to its consideration under the California Coastal Management Program.

Section 13052 of the Permit (and Port Planning) Regulations (Appendix 4) states:

"Article 1. When Local Applications Must be Made First

13052. When Required. When development for which a permit is required pursuant to Public Resources Code, Section 30600 or 30601 also requires a permit from one or more cities or counties or other state or local governmental agencies, a permit application shall not be accepted for filing by the executive director unless all such governmental agencies have granted at a minimum their preliminary approvals for said development. An applicant shall have been deemed to have complied with the requirements of this section when the proposed development has received approvals of any or all of the following aspects of the proposal, as applicable:

(a) tentative map approval;
(b) planned residential development approval;
(c) special or conditional use permit approval;
(d) zoning change approval;
(e) all required variances, except minor variances for which a permit requirement could be established only upon a review of the detailed working drawings;
(f) approval of a general site plan, including such matters as delineation of roads and public easements for shoreline access;
(g) a final environmental impact report or a negative declaration, as required, including (1) the explicit consideration of any proposed grading; and (2) explicit consideration of alternatives to the proposed development; and (3) all comments and supporting documentation submitted to the lead agency.

"(h) approval of dredging and filling of any water areas;
(i) approval of general uses and intensity of use proposed for each part of the area covered by the application, as permitted by the applicable local general plan, zoning requirements, height, setback or other land use ordinances;
(j) a local government coastal development permit issued pursuant to the requirements of Chapter 7 of these regulations".

In other cases, the following regulations apply:

13053. Where Preliminary Approvals are not Required.
(a) The executive director may waive their requirements for preliminary approval by other Federal, State, or local governmental agencies for good cause, including but not limited to:

(1) the project is for a public purpose;
(2) the impact upon coastal zone resources could be a major factor in the decision of that State or local agency to approve, disapprove, or modify the development;
(3) further action could be required by other State or local agencies if the coastal commission requires any substantial changes in the location or design of the development;
(4) the State or local agency has specifically requested the coastal commission to consider the application before it makes a decision or, in a manner consistent with the applicable law, refuses to consider the development for approval until the coastal commission acts, or
(5) a draft environmental impact report upon the development has been completed by another State or local governmental agency and the time for any comments thereon has passed, and it, along with any comments received has been submitted to the regional commission and the commission at the time of the application.

(b) Where a joint development permit application and public hearing procedure system has been adopted by the commission and another agency pursuant to Public Resources Code Section 30337, the requirements of Section 13052 shall be modified accordingly by the commission at the time of its approval of the joint application and hearing system.

(c) The executive director may waive the requirements of Section 13052 for developments governed by Public Resources Code, Section 30606.

(d) The executive director of the commission may waive the requriement for preliminary approval based on the criteria of Section 13053(a) for those developmetns involving uses of more than local importance as defined in Subchapter 1 of Chapter 8".

The purpose for waiving the requirement for preliminary approval is to facilitate the decision-making process and expedite the process for those developments qualifying under the criteria above. The coastal development permit may not, however, be the controlling factor in whether a project eventually is accepted. That is to say, a development may receive approval as a coastal development permit, but if concurrent approval is not given by the other responsible regulatory agencies, final approval of a project is not assured. However, if a coastal development permit is denied and the others approved, then the project is denied as well. The coastal development permit assures that land and water uses are consistent with the comprehensive interests which coastal zone management focuses on. It *does not* assure that projects are consistent with local zoning, codes and other regulations and requirements under the circumstances of waiving preliminary approval. Naturally, as local coastal programs are certified and the general plan and zoning ordinances are consistent with the policies of the Coastal Act, then permit processing should become easier in most cases for both applicants and local governments. The Coastal Act provides that after certification of a local coastal program, certain actions defined by Sections 30603 and 30515 of the Act can be appealed to the Coastal Commission. The decision by the Coastal Commission would be the controlling factor. This authority allows the Coastal Commission to assure that projects necessary in the State or National interests are not unreasonably excluded by a local government.

3. Performance Criteria and Standards

In addition to the possibility that other regulations may determine whether or not a development project is acceptable, the Coastal Act calls for a performance criteria and standards approach to regulating land and water uses. The performance criteria used to determine if coastal developments are consistent with the objectives of the Coastal Act are the policies of Chapter 3 (commencing with Section 30200). Three general types of performance criteria are found in the Coastal Act: (1) those dealing with any general development along the coast (e.g., public access requirements), protection of environmentally sensitive habitat areas, etc.); (2) those dealing with a particular use or impact (e.g., Marinas, disposition of oil field brines, etc.); and (3) those dealing with the protection of particular resources (e.g., wetlands, agricultural lands, etc.).

In addition to the standards and criteria found in Chapter 3, the Coastal Act incorporates the performance standards of other State programs, and agencies pursuant to Chapter 5 of the Act, including air and water quality standards. These standards and criteria derived from the Coastal Act and referenced State programs govern both the issuance of coastal development permits as mentioned above, and the certification of local coastal programs as cited in Section 30522 of the Act below:

> "Nothing in this chapter shall permit the commission to certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any State regulatory agency."

Additional standards may be applied, within the scope of the Coastal Act and regulations to projects or local programs, in the form of conditions or mitigation requirements for permits or plan approval.

Application of performance criteria and standards can be illustrated in the coastal development permit process. The Coastal Commission and regional commissions, both under Proposition 20 and the Coastal Act, have staff permit analysts who first analyze the coastal resource issues involved in a permit application and prepare a summary for the commissioners before a hearing, then prepare a staff recommendation for the commissioners, before the permit application (or appeal) comes for a vote (see Articles 12 and 13 of Chapter 5, subpart I, of Permit Regulations, Appendix 4). The policies of the legislation are brought to bear on a continual basis in this process: each policy includes a criterion that forms a question that is directed to the proponent for the development: is it a coastal dependent use? does the project adversely impact on marine species? does it block public access to the shoreline? The answers, of course, can be reasons for approving the development, denying it, attaching conditions, requiring mitigation measures, or a combination of these.

An analysis of one policy will show how the criteria and standards are used.

Section 30224 deals with recreational boating:

- Performance Criteria:
  "Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division."

- Performance Standards:
  ". . . by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land."

These standards are designed to assure maximum use of existing facilities with minimal impacts on coastal waters. They are not the only standards that apply, since new boating facilities often have adverse impacts on coastal wetlands and estuarine areas due to dredging requirements, pilings for piers, jetties for safe harbors, etc. The Coastal Act places high priority on the protection of the remaining wetlands in the California coastal zone based upon many significant findings. But because boat launching facilities are coastal dependent, they would be a permitted use in coastal waters if additional standards can be met (see Sections 30233, 30411, 30607.1 and 30703), for example:

- " ... in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored". (30233(a)(3)

- "Proposed recreational boating facilities within ports shall, to the extent it is feasible to do so, be designed and locate in such a fashion as not to interfere with the needs of the commercial fishing industry". (30703)

By following the standards included in the above policies, the resource value of wetlands can be protected while allowing the continued use of coastal waters for boating activities. Also, a marina or boat launching facility may induce secondary impacts because of ancillary facilities and may, therefore, fall under the category of general development in which additional criteria and standards may apply (see Section 30250). Therefore, a specific land or water use may be subject to the three types of performance criteria mentioned above along with the appropriate standards for each, or fewer criteria may apply depending on the nature of the proposed development.

Permit applicants are encouraged to become familiar with the criteria and standards as embodied in the Coastal Act. The Permit Regulations (Appendix 4) show the steps an applicant must follow.

When the Coastal Commission and regional commissions, as provided in the Coastal Act, eventually transfer permit authority to local governments upon the certification of local coastal programs, performance standards as defined above will continue to be applied to coastal developments. However, local governments will have translated the words of the policies into the general plans, zoning district maps, and zoning ordinances -- and in many cases other implementation tools -- which may make the standards more detailed and geographically specific -- and, perhaps more sensitive to local and regional needs. In addition, a local government will generally have the option of requiring a separate coastal development permit -- using the local coastal program standards -- or integrating standards involving coastal concerns with other standards (i.e., noise, waste disposal, structural safety, setbacks, etc.) In the final analysis, whether the Coastal Commission, regional commissions or local governments are operating the system, the result is the same: development must pass certain tests for conformity with coastal resource and development policies.

4. Other Uses

There are other uses which are regulated under different procedures from the coastal development permit. These developments include:

(a) emergency work - Chapter 5, Subchapter 4

(b) administrative permits - Chapter 5, Subchapter 5

(c) exclusions - Chapter 6, Subchapters 1-6. Uses and developments excluded by definition in the Coastal Act do not require a coastal development permit. However, a declaration of exclusion may be rescinded at a later time, in whole or in part, if the Coastal Commission finds that the terms of the exclusion order are violated (13243).

References to Appendix 4 -
Permit and Port Regulations

B. Uses of Regional Benefit

The provisions of the Coastal Act have as their foundation the goal of benefiting the general public. Beyond this general benefit, the policies fall into two broad categories. First are those that act to provide immediate protection of coastal resources, such as Section 30244, which requires that where development would adversely impact archaeological or paleontological resources, mitigation measures shall be required. Second are those policies that are recommendations for certain studies or processes to be carried out to improve future decisions regarding use of coastal areas and thereby providing an eventual benefit to the public. Section 30411(b), cited in Section A above, is one such example of this type of policy in that it recommends that several State agencies cooperate in a study to identify those degraded wetlands that can be restored in conjunction with the development of a boating facility.

Because so many of the resources of the coast are unique, almost all of the policies are of greater than local significance.

Obviously, it is quite difficult and somewhat subjective to determine whether the protection of coastal areas for water-oriented recreational activities is of regional benefit because better recreational opportunities can be assured for the residents of the surrounding communities or of national significance because it will offer all citizens desirable vacation and leisure destinations. Similarly, the protection of wetlands not only enhances the esthetic and ecological values of the wetland itself, and the region in which it is located, but it also preserves feeding grounds for migratory waterfowl and protects habitat for marine life that are of national or even international importance.

Some of the policies have both direct and indirect benefits. For example, Section 30234 of the Coastal Act will ensure that the commercial fishing industry shall be protected to protect the economic viability of a community, and is, therefore, of direct benefit to the region. At the same time, it directly benefits the Nation by guaranteeing a continued supply of fish necessary to help meet the country's demand for food. Similarly, a policy such as Section 30253(5), aimed at the protection of the character of unique coastal communities, directly benefits the region and also indirectly benefits the Nation by guaranteeing that tourists from throughout the Nation who visit the coast will have the opportunity of enjoying a unique experience of visiting these protected communities. Consequently, it must be recognized that the differentiation between policies of regional benefit from those of national benefit is inherently subjective and imprecise.

To ensure that these uses of regional and national concern are not arbitrarily excluded, restricted, or excluded from the coastal zone, the Coastal Act requires that every city and county within the coastal resources management area must amend its general plan and implementing ordinances to bring them into conformity with the Coastal Act, and that State, regional, local, and, to the extent allowed by Federal law, Federal agencies must undertake and guide development in the coastal zone consistent with the policies of the Coastal Act. Moreover, under the provisions of Section 30603(a), after a local implementation program is certified, the following developments of statewide concern can be appealed to the Coastal Commission:

- Developments between the sea and the first public parallel road or within 300 feet of the beach or mean high tide line;
- Developments located on tidelands, submerged lands, or public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff;
- Developments located in sensitive coastal resources areas;
- Any development allowed by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map as certified; and under Section 30515;
- Any development that constitutes a major public works project or energy facility.

The Coastal Commission also is required to adopt procedures in accordance with Section 30501 (c) which recommends uses that are of more than local importance which local governments should consider in the preparation of local coastal programs. The Local Coastal Program Regulations states the following with regard to "uses of more than local significance."

"(a) General categories of uses of more than local importance that shall be considered in the preparation of local coastal programs include but are not limited to: (1) State and Federal parks and recreation areas and other recreational facilities of regional or statewide significance; (2) military and national defense installations; (3) major energy facilities; (4) State and Federal highways and other transportation facilities (e.g. railroads and airports) or public works facilities (e.g. water supply or sewer systems) serving larger-than-local needs; (5) general cargo ports and commercial fishing facilities; (6) State colleges and universities; and (7) uses of larger-than-local importance, such as coastal agriculture, fisheries, wildlife habitats, or uses that maximize public access to the coast, such as accessways, visitor-serving developments, as generally referenced in the findings, declarations, and policies of the California Coastal Act of 1976.

"(b) To the extent possible the commission shall make recommendations as to specific uses of more than local importance as part of the Interpretive Guidelines or as part of its review of the local government "issue identification." Provisions for local government consideration of such uses shall be included in work programs, pursuant to Section 00023. From time to time the commission, or the executive director of the commission pursuant to commission authorization, may make additional recommendations for specific uses to be considered by a particular local government that were not anticipated earlier. Where necessary, work programs shall be renegotiated to include the additional items and any additional funding assistance that may be required." (00041)

To apply the Coastal Act's policies and to help local governments carry out the Coastal Act, more detailed planning will be conducted to ensure that the regional and national benefit of the Coastal Act's policies are not lost. To this end, additional planning will be carried out in a joint effort of the Coastal Commission, local governments, regional agencies, affected Federal agencies, other State agencies, and citizens' groups, for coastal areas where the cumulative impact of development over time has the potential for adversely affecting coastal resources or coastal access. These plans will apply Coastal Act policies to subregional areas in order to establish development alternatives that are consistent with the Coastal Act and its provisions for protecting uses of regional and national benefit.

As discussed in Chapter 11, California has received extensive assistance and cooperation from many Federal agencies in the preparation of the Coastal Plan and the evolution of the Coastal Act and the analysis of uses of regional and national benefit. Through this process, there has been an opportunity for national interests, as perceived by Federal agencies, to be incorporated into the Coastal Act's policies.

C. Priority Designations

Although the management program set forth in the Coastal Plan and subsequently expressed in the Coastal Act relies primarily on performance standards and development criteria to achieve its goals, a system of use priorities has also been integrated into the Coastal Act to aid in determining the appropriate use of coastal areas and in resolving conflicts between competing uses. These priorities will be treated in concert with other policies to provide a mechanism for making resource allocation decisions and, as such, they must be viewed in the context of the entire management program. However, for purposes of this section, it is useful to isolate the priorities expressed in the Coastal Act and to examine the hierarchy of uses they establish.

The Coastal Act places as its highest priority the preservation and protection of natural resources including wetlands, marshes, environmentally sensitive areas, and agricultural lands. In environmentally sensitive areas, priority is given to uses that would be consistent with resource protection, and the following policies were developed to establish this priority:

> "(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
>
> "(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas." (30240)

In the case of agricultural land, the highest priority is placed on maintaining the maximum amount of prime agricultural land "to assure the protection of the areas agricultural economy." (30241) In addition, the Coastal Act proposes agricultural preservation measures, including tax reforms, to be enacted by the State Legislature.

On coastal lands not suited for agricultural use and not designated for preservation, coastal-dependent development (i.e. development or use that requires a site on or adjacent to the sea to be able to function at all) has the highest priority. (30255) The Coastal Act recognizes that certain coastal-dependent uses of State or national importance (such as fishing, port facilities, extraction of coastal minerals, and tanker terminals) will have to be accommodated on the coast (30001.2). To allow for the provision of these uses while still providing a maximum resource protection, the Coastal Act includes standards for coastal-dependent development that will assure maximum feasible protection of the environment.

Public recreation uses have priority on coastal sites not designated for preservation and not needed for coastal-dependent development. The provisions of Section 30220 and 30221 are aimed at guaranteeing future generations with coastal sites required for water-oriented recreational activities that cannot readily be provided at inland water areas, and obliges the State to protect oceanfront land suitable for recreational use.

If coastal property is not reserved for any of the uses described above, private development may then be permitted, but, even in this case, there are priorities to be considered. For example, visitor-serving commercial recreation has priority over private residential, general industrial, and general commercial development. (30222) Similarly, development that would provide significant opportunities for public access to the coast has priority over other general development, and visitor-serving facilities can have priority over exclusive and expensive facilities. (30213)

Despite the policies that have some mention of priority designation, a definitive or explicit list of use priorities would be inappropriate within the performance standard concept utilized. Some implicit priorities can perhaps be seen in the relative stringency of siting and design of land and water use policies. (See Appendix 6 for a lengthy listing, with citations to the Coastal Act, of many of these uses.)

CHAPTER 6

MANAGING THE COAST (1): CALIFORNIA COASTAL COMMISSION

Proposition 20, approved by the voters in 1972, had established seven coastal commissions--one State and six regional--to regulate coastal development while a long-range plan for the protection of coastal resources was being prepared. That document, the Coastal Plan, recommended the establishment of a permanent State coastal agency. In the Coastal Act, the Legislature declared that:

> "To ensure conformity with the provisions of this division, and to provide maximum state involvement in federal activities allowable under federal law or regulations or the United States Constitution which affect California's coastal resources, to protect regional, state, and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the state, and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources, to coordinate and integrate the activities of the many agencies whose activities impact the coastal zone, and to supplement their activities in matters not properly within the jurisdiction of any existing agency, it is necessary to provide for continued state coastal planning and management through a state coastal Commission." (30004(b))

The primary responsibility for ensuring the Coastal Act is carried out rests with the Coastal Commission. Initially, conformity with the management program provisions will be assured through the Coastal Commission's regulatory authority which covers virtually all private and public development along the coast, including that carried out by other State agencies. Ultimately, the management program will be implemented primarily by the local governments acting on behalf of the State after their plans have been brought into conformity with the Coastal Act and certified by the Coastal Commission. Subsequent activities by private interests or public agencies will have to comply with the local plan. A system of appeals to the Coastal Commission acts to protect needs greater than local in nature. Revisions to the local plans will be coordinated by the Coastal Commission and will be based on planning carried out jointly by the Coastal Commission, and all affected local, regional, State, and Federal agencies.

In short, a State commission, the Coastal Commission -- successor to that established by Proposition 20, which expired December 31, 1976 -- is responsible for overseeing the permit process for the coastal zone while the local coastal programs are being written, approved, and certified as conforming with the policies of the Coastal Act. The Coastal Commission will remain a separate agency, responsible for the implementation of the Coastal Act and for the administration of the coastal management program under the provisions of the CZMA.

A. Structure, Membership, and Terms of Office

The Coastal Act, effective January 1, 1977, established a 15-member, part-time, unsalaried statewide Coastal Commission and, until no later than June 30, 1979, six regional commissions. These are the successor agencies of those set up under Proposition 20 in 1972.

California Coastal Commission

The statewide Coastal Commission consists of 12 members appointed in the same manner as under Proposition 20: six public members (two selected by the Governor, two by the Senate Rules Committee, and two by the Speaker of the Assembly) and six representatives from the regional commissions (appointed by each regional commission from its membership). Three additional non-voting ex-officio members are added to the Coastal Commission by the Coastal Act: the Secretary of the Resources Agency, the Secretary of the Business and Transportation Agency, and the Chairperson of the State Lands Commission (30301). The latter three officials can appoint designees in their places, and the six regional representatives may appoint alternates. (30301.5).

The Coastal Act provides that the Governor, Senate Rules Committee, and Speaker of the Assembly "shall make good faith efforts" to assure that the public-member appointees "as a whole, reflect, to the greatest extent feasible, the economic, social, and geographical diversity of the state." (30310) The Coastal Act mandated, "for a smooth transition" between Proposition 20 and the Coastal Act, that half the public-member appointees on the Proposition 20 commission be appointed to the successor body (30310). (In fact, seven of the 1976 members, including the chairperson, were reappointed, and three of the new public members have previously served on regional commissions.)

Unless replaced, the six regional representatives continue their membership on the Coastal Commission. Following the termination of a regional commission, the Coastal Act provides for the regional representative's replacement by a county supervisor or city councilperson (resident of a coastal county) appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly, in the order prescribed by Section 30310(a), from a list of nominees submitted by the board of supervisors and city selection committee (30301.2(a)), or from a second list if none of the first nominees is found acceptable by the appointing authority. (30301.2(b))

Public members can serve for two years, at the pleasure of their appointing power, and may be reappointed for succeeding two-year periods. (30312(b)) Representatives of regional commissions serve at the pleasure of the regional commissions that appointed them. (30312(c))

Commission members, all of whom are part-time, serve without salary but are paid $50 for each meeting attended, and $12.50 for up to eight hours of meeting preparation, and may be reimbursed for expenses. (30314)

Regional Commissions

The Coastal Act provides for the continuation of the six regional commissions -- with no duties or responsibilities other than appointment of a representative to the Coastal Commission unless the Coastal Commission, upon review of the projected work load, certifies that a regional commission is necessary to expedite the review of local coastal programs and coastal development permit applications. (30304.5) (The Commission on January 12, 1977, certified all six regional commissions.)

In any case, the regional commissions are to retain the same membership formula as under Proposition 20: in general, one supervisor and one city councilperson from each county and one delegate from the regional council of government, plus an equal number of public members appointed by the Governor, Senate Rules Committee, and Speaker of the Assembly (30302). Because of differences in a number of governmental units within each region, the North Coast, South Central Coast, South Coast, and San Diego Coast regional commissions each consist of six government representatives and six public members, while the North Central regional commission has seven government representatives and seven public members, and the Central Coast regional commission has eight of each. Provisions are made for government representatives to appoint alternates. (30304)

As with the Coastal Commission, the Coastal Act provides that half of the public members of each regional commission as constituted under Proposition 20 be reappointed after January 1, 1977. (30311)

Representatives from local or regional government serve at the pleasure of the appointing authority, with membership ending if the representative's term of office as a locally elected official ends, and public members serve two-year terms at the pleasure of their appointing powers. (30312)

Regional commission members serve without salary except for attending meetings and for expenses. (30314)

Thirty days after certification of the last local coastal program within a region, and in any case not later than June 30, 1979, regional commissions will terminate, at which time the Coastal Commission becomes the successor of remaining obligations, interests, etc. (30305). The Coastal Act provides that the Coastal Commission may maintain regional offices for convenient public access and participation in commission activities. (30317)

B. Powers and Duties

The Coastal Commission is designated as the State planning and management agency for the coastal zone and may exercise all authority pursuant to the CZMA (30330). It may grant or issue certificates of consistency with the management program required by Section 307 of the CZMA except for activities affecting the San Francisco Bay segment of the coastal zone which are certified for consistency by BCDC, and power plants which are certified by the State Energy Commission. The Coastal Commission, however, has the authority to identify specific locations where power plants cannot be sited because of the sensitive nature of the area. (30413(b)) After certification of port master plans, the ports assume the authority of determining consistency within their boundaries.

In addition to the permit and appeal authority (discussed below), the review and certification of local coastal programs (discussed in Chapter 7), and cooperation and coordination with several State agencies (discussed below), the Coastal Commission has numerous other statutory powers and duties, including:

1. Preparing and adopting procedures and schedules for preparation, approval, certification, and amendment of local coastal programs (30501);
2. Making and amending rules and regulations in accord with the Administrative Procedure Act (30333);
3. Assisting local governments in exercising their powers and in designing local coastal programs (30336);
4. Establishing a joint development permit application system including consolidated procedures for public hearings on any proposed coastal development in order to lessen the time and paperwork involved in obtaining a permit (30337);
5. Preparing subregional plans where necessary (30341);
6. Adopting a map delineating the precise boundaries of the coastal zone (30103);
7. Ensuring public participation in the Coastal Commission and regional commissions work (30339);
8. Budgeting all funds available to the Coastal Commission and regional commissions (30340);
9. Preparing a local coastal program if so requested by a local government (30500);
10. Preparing, undertaking, and adopting plans, maps, and studies (in the case of plans and maps, after public hearings) deemed necessary to better accomplish its task of implementing a coastal management program (30341);
11. Preparing and submitting a progress report on implementation of the management program to the Legislature every other year beginning January 1979 (30342);
12. Conducting a joint review with BCDC of the Coastal Act and the BCDC legislation and submitting a report to the Legislature by July 1, 1978, concerning the future relationship of the two agencies and their work (30410);
13. Designating sensitive coastal resource areas (see Chapter 4);
14. Reviewing the anticipated work load and certifying that a regional commission is necessary to expedite review of local coastal programs and coastal development permit applications (30304.5); and
15. Seeking judicial resolution of conflicts (30334).

Except as otherwise specified in the Coastal Act, a majority of the total appointed membership of the Coastal Commission or regional commissions constitutes a quorum and is necessary to approve any action required or permitted under the Coastal Act. (30315)

C. Development Permit and Appeal Authority

The Coastal Commission, in brief, is vested with continued regulatory control over coastal development until the local coastal programs are written and certified (see Figure 2). As the local coastal programs are certified, over the next few years, until January 1, 1981, this interim permit authority ends in each jurisdiction, and will be replaced by an appeal jurisdiction over certain resource areas and over certain kinds of development.

Permit Regulations

The Coastal Commission will continue to exercise interim development controls within a local government's jurisdiction in the coastal zone until the local coastal program has been certified unless, under a special provision, the local government adopts procedures for the review and approval of permits in accordance with the Coastal Act policies, (30600(b), 30620.5) If the local government exercises this latter option, the Coastal Commission still retains permit authority over:

1. Developments located within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of a coastal bluff.
2. Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of a beach (or mean high tide line where there is no beach), whichever is the greater distance.
3. Developments which constitute a major public works project or a major energy facility. (30601)

After certification of local coastal programs, coastal development permits will be issued by local governments except Coastal Commission permits will continue to be required for developments on tidelands, submerged lands, or public trust lands (except those specified in Section 30519(b) for port and harbor district projects included in local coastal programs).

COASTAL COMMISSION AND REGIONAL COMMISSION DEVELOPMENT
CONTROLS BEFORE CERTIFICATION

(Regular Permits)

In those areas not excluded per PRC 30610 and 30610.5, and where local government has not elected to issue coastal development permits, the Coastal Commission and regional commissions shall issue permits in the following manner:

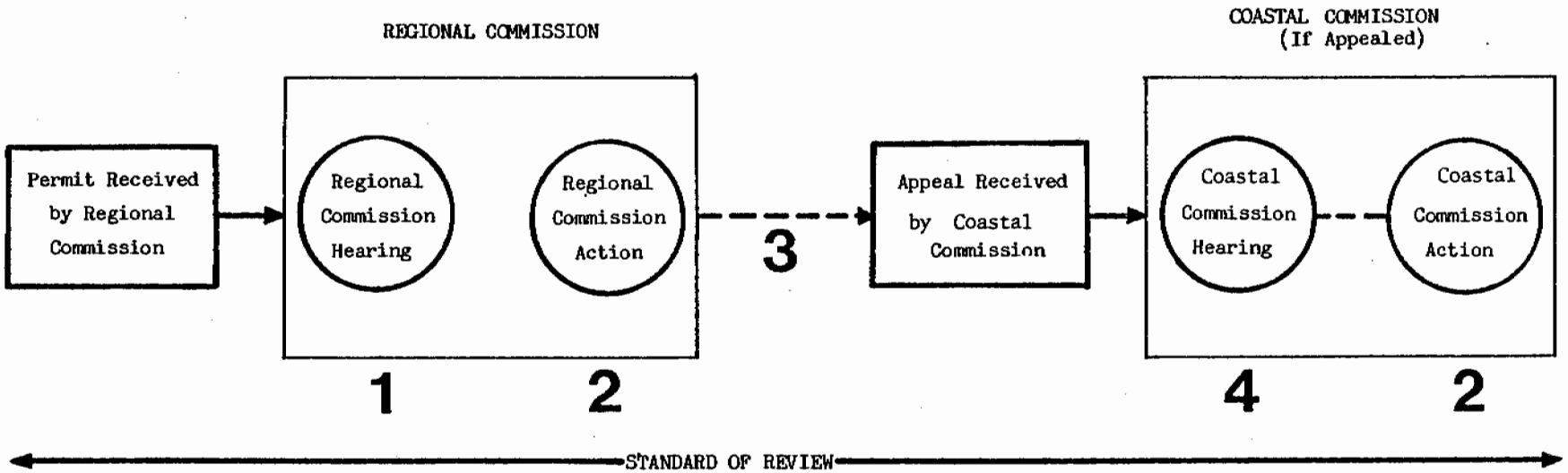

FIGURE 2

1) public hearing held within 21-42 days after permit application received
2) action required 21 days after hearing date
3) appeals must be filed within 10 work days of action; any aggrieved person, applicant, or any 2 members of Coastal Commission may appeal the regional commission action
4) public hearing within 21-42 days of appeal receipt; proceeds to full hearing and action unless Coastal Commission finds a) no substantial issue, or b) no question as to conformity with Chapter 3

Prior to certification, all actions on permits taken by the local government or the regional commissions are appealable to the Coastal Commission. After certification, only the following actions are appealable to the Coastal Commission:

"(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance."
"(2) Developments approved by the local government not included within paragraph (1) of this subdivision located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff."
"(3) Developments approved by the local government not included within paragraph (1) or (2) of this subdivision located in a sensitive coastal recource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program."
"(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500)
"(5) Any development which constitutes a major public works project or a major energy facility." (30603(a))

(The standard for review of any development in paragraph three is conformity with the implementing actions of the certified local coastal program (30603(c).)

The grounds for appeal of those developments in paragraph one are limited to the following:

"(1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.
"(2) The development fails to protect public views from any public road or from a recreational area to, and along, the coast.
"(3) The development is not compatible with the established physical scale of the area.
"(4) The development may significantly alter existing natural landforms.
"(5) The development does not comply with shoreline erosion and geologic setback requirements." (30603(b))

Any appealable action as listed above may be appealed to the Coastal Commission by an applicant, an aggrieved person (except in denials), or any two members of the Coastal Commission. Any permit issued by a local government is subject to reasonable terms and conditions to assure consistency with the coastal program. (30607)

The Coastal Commission is required, where feasible, to establish a joint development permit application system and joint public hearing procedures with other agencies. (30337)

On May 4, 1977, the Coastal Commission adopted final regulations establishing permit procedures, to be effective on July 10, 1977. (See Appendix 4) (30622) The Coastal Commission and regional commissions have 21 to 42 days to schedule a hearing on a permit application or appeal. (30621) A decision is required within 21 days of a hearing. (30622) Failure to act within these time limits upholds the decision being appealed. (30625) A regional commission decision is final if no appeal is filed within 10 working days after the action. (30622) All Coastal Commission hearings are de novo. (30621)

Prior to certification, all actions on permits taken by the local government are appealable to the Coastal Commission by the executive director of the regional commission, any person including the applicant, or any two members of the regional commission or the Coastal Commission to the regional commission. (30602) (See Section 30625 for appeals from the regional commissions.)

Coastal Commission permits are not required for:

Statutory Exclusions

1. Certain improvements to existing single-family residences. (30610(a))
2. Certain maintenance dredging. (30610(b))
3. Certain repair or maintenance activities. (30610(c))

Categorical Exclusions

4. Certain utility connections. (30610(e))
5. Developments which the Coastal Commission determines (on a two-thirds vote) have no potential for any significant adverse effect on coastal resources or public access. (30610(d))

Urban Exclusions

6. Certain developed urban areas. (30610.5)
7. Persons with vested rights (if granted an exemption) as long as construction is pursued within three years of the granting of an exemption and persons who have a permit issued by the existing Coastal Commission. (30608)
8. Power plants under the jurisdiction of the State Energy Commission. (30413)

Section 14 of the Coastal Act amended the Revenue and Taxation Code to require local assessors to consider locally issued coastal development permits (after certification of the local coastal program) as enforceable restrictions in assessing land.

CHAPTER 7

MANAGING THE COAST (2): LOCAL COASTAL PROGRAMS AND DELEGATION OF PERMIT AUTHORITY TO LOCAL GOVERNMENTS

Proposition 20, passed in 1972, established a strong State role in coastal planning and management. The Coastal Act of 1976 provided for a continued State role, but in the Coastal Act the Legislature found and declared:

> "To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement." (30004(a))

Local governments will be relied on in the coastal management program for several reasons:

- Using the existing local government land use planning and development review system can help eliminate duplication at the State level;
- Local government is both accessible and accountable to local citizens;
- Consolidation of the development review process at the local level reduces the time and money costs to applicants; and
- Local governments are best able to reflect the different conditions and values of the many communities along the 1,072 mile coastline.

Because current State planning law already requires that each local government prepare a general plan for the use of land within its jurisdiction, and also requires that zoning ordinances conform to that plan, implementation of much of the coastal management program by local governments is a logical step. Accordingly, the Coastal Act requires that general plans be amended to conform to the Coastal Act, and zoning ordinances and maps must then conform to the certified land use plans in order to legally enforce the provisions of the general plan.

In general, until local coastal programs are written and adopted locally, and certified by the Coastal Commission, the Coastal Commission will continue to regulate coastal development. After certification, coastal permit authority is delegated to local governments, with some continued Coastal Commission permit authority and with Coastal Commission appellate jurisdiction in certain areas and over certain developments. Attachment 4 contains the Local Coastal Program Manual which is designed to provide practical assistance to local governments along with Chapter 6 of the permit regulations which describes local implementation procedures.

A. Preparation and Certification of Local Coastal Programs

Content of Programs. The Coastal Act specifies the contents of local coastal programs as follows:

> "'Local coastal program' means a local government's land use plans, zoning ordinances, zoning district maps, and implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level." (30108.6)

The land use plan that is the heart of the local coastal program is also defined:

> "'Land use plan' means the relevant portions of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and where necessary, a listing of implementing actions." (30108.5)

Another relevant term is also included in the Coastal Act:

> "'Local coastal element' is that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to this division, or such additional elements of the local government's general plan prepared pursuant to subdivision (k) of Section 65303 of the Government Code, as such local government deems appropriate." (30108.55)

As set forth elsewhere in the Coastal Act, zoning ordinances and zoning district maps are the principal legal tools that implement the land use plan. (30511 and 30513)

The Coastal Act specifically requires each local coastal program to "contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided." (30500(a))

On May 17, 1977 the Coastal Commission, adopted after public hearing final procedures for the preparation, submission, approval, appeal, certification, and amendment of local coastal programs, including a "common methodology for the preparation of, and the determination of the scope of, the local coastal programs, taking into account the fact that local governments have differing needs and characteristics" and "[r]ecommended uses that are of more than local importance that should be considered in the preparation of local coastal programs."(30501(a) and (c))

Consistent with these procedures, the common methodology, and the list of recommended uses, the local government will, in consultation with the Coastal Commission and regional commissions and with public participation, determine the precise content of each program.(30500(c))

Separately, the Coastal Commission is to nominate, by September 1, 1977, various "sensitive coastal resources areas" where the protection of resources requires review and approval not only of the land use plan, zoning ordinances, and zoning district map, but of "other implementing actions" (30502(a)), which means the "ordinances, regulations or programs" (30108.4) pertaining to those resource areas that are "adequate to protect the coastal resources . . . in conformity with the policies" of the Coastal Act.(30502(c)) If ratified by the Legislature (30502.5), these senstitive coastal resource areas are included in the Coastal Commission's appeal jurisdiction. (See Chapter 4 for an explanation of this special category.)

The Coastal Act devotes an entire chapter (30200 et seq.) to those coastal management policies that will "constitute the standards by which the adequacy of local coastal programs . . . are determined." (30200).

Schedule. The Coastal Commission regulations also contain a schedule for processing local coastal programs which cannot be required to be submitted before July 1, 1978, or after January 1, 1980. Programs are to be completed not later than July 1, 1980, and certified not later than December 1, 1980. (30501(b)) Deadlines or other time limitations may be extended up to one year for good cause. (30517)

Preparation of Local Coastal Programs by the Coastal Commission. A local government has the option requesting that all or part of its program be prepared by the Coastal Commission (30500), but other provisions require the local government to still hold a public hearing and adopt the proposed program and submit it for certification.

Options for Preparation of the Land Use Plan. The Coastal Act provides two methods for preparing the land use plan portion of the local coastal program: preparation of amendments to the local general plan and constituent elements; or preparation of a separate element of the general plan for the coastal zone pursuant to Government Code Section 65303(d). Large jurisdictions with only a small portion in the coastal zone may find a separate coastal element to be the simplest and least costly way of preparing the land use plan, but this element must contain all of the documentation, land use designations, and resource protection and development policies that might otherwise appear in the general plan. Local governments can obtain some flexibility by dividing the coastal zone into smaller units and submitting the land use plan in separate sections.(30511(a)) These, too, would have to include all relevant materials (see Figure 3).

Options for Submission of Programs. The Coastal Act provides three options for the submission of the land use plan, zoning ordinances, and zoning district maps, and, if required, implementing actions: together at one time, in two phases, and in separate geographic units.(30511)

The first option is self-explanatory. Under the second option the local government would first submit its land use plan and, after certification of such plan, the conforming zoning ordinances and zoning district maps, and, if required, implementing actions would later be submitted for certification. This option gives the locality the assurance of adequacy of the general provisions of its land use plan before undertaking preparation of the more detailed zoning materials.

Under the third option, the land use plan and other materials could be submitted in separate geographic units, which would allow some areas to be certified and permit review delegated early, while planning continued in other areas.

Review and Certification by the Coastal Commission and Regional Commissions. Land use plan portion: regional commissions shall, within 90 days after the submission of the land use plan portion of the program, and after a public hearing, either approve or disapprove the plan, in whole or in part. No action constitutes approval. The regional commission must say, in writing, why it disapproved a plan

SUBMISSION OF LOCAL COASTAL PROGRAMS

A. Requirements for Submission (30510)

The local coastal program may be submitted when both of the following are met:

(1) Local government adopts a resolution, after public hearing, certifying the intent to implement local coastal programs in conformity with the Coastal Act.

(2) The local coastal program conforms to Coastal Commission guidelines and contains sufficient material for a compelte review.

B. Timing

Local coastal programs may be submitted as soon as possible after the Coastal Commission's adoption of guidelines. No local coastal program may be required to be submitted before July 1, 1978, nor shall they be submitted later than January 1, 1980.

C. Local Options

(1) Local government may submit the local coastal program in its entirety and have the Coastal Commission review the land use plan and zoning and implementing ordinances at one time.

(2) Local government may submit the local coastal program in two phases, with the land use plan being processed before zoning and other implementing ordinances are reviewed by the Coastal Commission.

(3) Local government may submit local coastal programs for separate geographic units within its jurisdiction. Submissions for these geographic sub-units may either involve the 1-step or the 2-step review process.

(4) Local governments may, prior to July 1, 1977, request the Coastal Commission to prepare its local coastal program.

FIGURE 5

and suggest ways to modify the disapproved portions. Within 10 working days of approval, in whole or in part, the land use plan is forwarded for review by the Coastal Commission, which has 21 to 45 days to determine, after a public hearing, whether specific provisions raise a substantial issue. If the Coastal Commission finds no substantial issue, the regional decision is final and the land use plan deemed certified. If there is a substantial issue, the Coastal Commission has 60 days from receipt of the plan to refuse certification or certify it in whole or in part. The Coastal Commission must explain, in writing, why a plan was found unacceptable. A revised plan may be resubmitted directly to the Coastal Commission. The criteria by which the Coastal Commission or regional commissions will approve and certify the land use plan is that it meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. (30512)

Zoning ordinances, zoning district maps, and other implementing actions: the regional commissions have 60 days in which to reject the zoning ordinances, maps, and other implementing actions. If rejected, the regional commission must explain why. If not rejected after 60 days, the zoning and other materials are deemed approved. The local government may either revise and resubmit the materials or, within 10 days of rejection, appeal to the Coastal Commission. Explicit or implicit approvals or rejections may also be appealed by any aggrieved person to the Coastal Commission. The Coastal Commission has 60 days to determine if an appeal raises a substantial issue, or 30 days if the Coastal Commission itself determines to review the materials. If not rejected in those time limits, the materials are deemed approved. If rejected, the materials may be revised and resubmitted. The criteria by which the zoning and other materials are judged are conformity with and adequacy to carry out the certified land use plan. (30513) (See Figure 4 for a description of this process.)

Amendments to Programs. Certified local coastal programs and all local implementing ordinances, regulations, and other actions may be amended by a local government, but a material amendment must be certified by the Coastal Commission (30514). Provision is made for amendments to local coastal programs governing public works projects or energy facilities if they are to meet public needs of an area greater than that included within the certified local coastal program. (30515)

Sanctions. If a local coastal program has not been certified and all implementing devices become effective by January 1, 1981, the Coastal Commission may, if it finds that new developments would be contrary to the Coastal Act, prohibit or otherwise restrict the local government from issuing any permit or require a Coastal Commission permit for any development within the coastal zone of that jurisdiction. (30518)

Five-Year Review. Provision is made for periodic - at least every five years - Coastal Commission review of every certified local coastal program to determine if it is being effectively implemented. If it is not, the Coastal Commission is to recommend corrective actions to the local government, which if it does not take those actions, must report within a year to the Coastal Commission. The Coastal Commission is to review that report and, if appropriate, make recommendations to the Legislature for legislative actions to assure effective implementation of the relevant policy or policies. (30519.5)

Provision for Ports, Special Districts, Public Works, and Other Plans. The Coastal Act established a procedure similar to that for local coastal programs for the master plans of the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District (see Chapter 8). These port master plans are to be included in local coastal programs for informational purposes. (30711)

In the same manner, provision is made for the submission of plans for public works or State university or college long-range land use development plans. If public works plans are submitted before certification of the local coastal programs of affected local jurisdictions, then the Coastal Commission is to certif the plan if consistent with the coastal policies. If the public works plan is submitted after certification, the Coastal Commission is to approve it, in consultation with affected local governments, if the plan is in conformity with the certified local coastal program.

State universities and colleges are to coordinate with local governments in the preparation of their plans to be consistent with the appropriate local program. (30605)

Coastal Commission Assistance. The Coastal Commission will assist local governments in exercising the planning and regulatory powers and responsibilities provided for in the Coastal Act. (30336) It is expected that this assistance will include providing data, staff support, and technical assistance, where requested, in the preparation of local coastal programs. The geographic applications of the Coastal Plan are available for guidance to local jurisdictions, and subregional plans are being cooperatively drawn up by the Coastal Commission for areas where either the cumulative impact of development or conflicts among various proposals create the potential for significant adverse impacts on coastal resources.

PROCESSING LOCAL COASTAL PROGRAMS

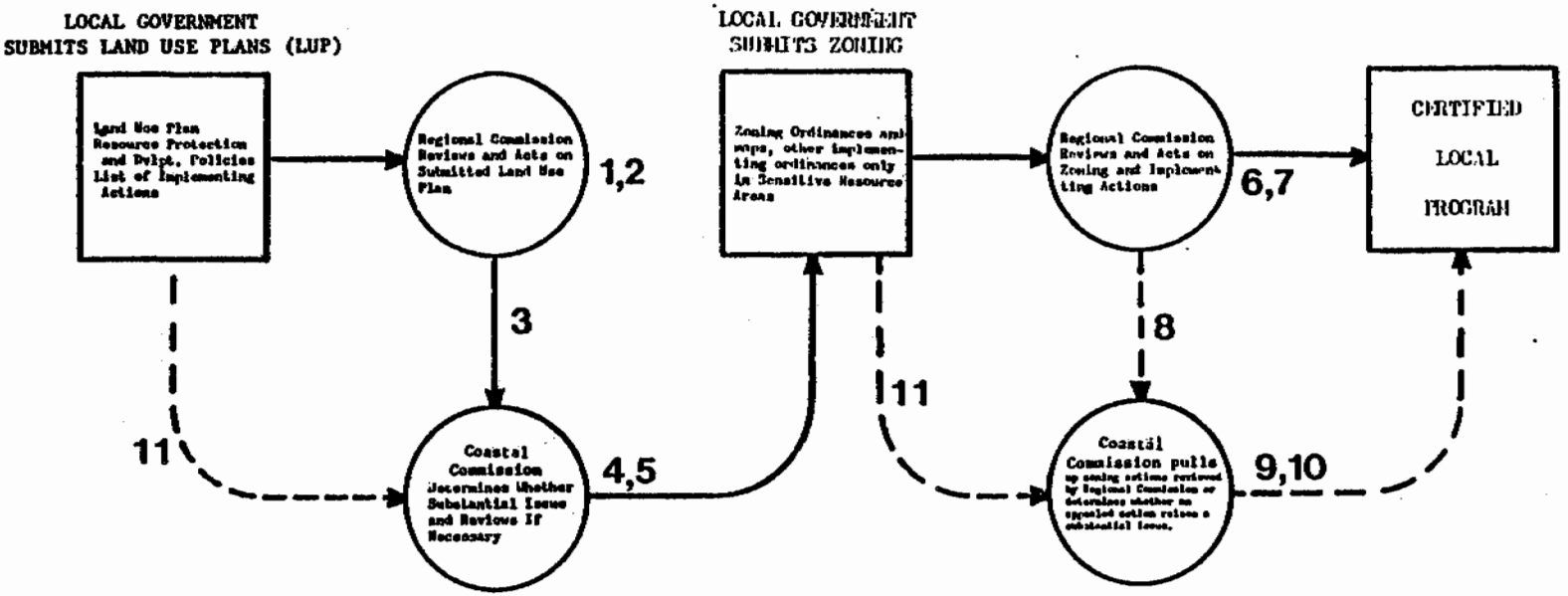

FIGURE 4

1. Ninety days for regional commission action.
2. If the LUP is denied in whole or part, local government may either revise and return to regional commission or appeal directly to Coastal Commission.
3. Approved LUPs automatically forwarded to Coastal Commission within 10 work days; denied LUPs appealed by local government.
4. Coastal Commission has 60 days to complete review.
5. If denied in whole or part, local government may revise and either submit to regional commission or appeal directly to Coastal Commission.
6. Sixty days for regional commission to act on submitted zoning and implementation measures.
7. If zoning denied in whole or part, local government may revise and return to regional commission or appeal directly to Coastal Commission.
8. State review only if appealed by local government or aggrieved person within 10 work days, or if called up by a majority vote of Coastal Commission within 30 days.
9. Sixty days to act following receipt or appeal; if State calls up regional commission action, 30 days to act.
10. If denied in whole or part, local government may revise and either submit to regional commission or resubmit directly to Coastal Commission.
11. At any time Coastal Commission may "call up" by majority vote, LUP and/or zoning for direct consideration (30333.5).

B. Delegation of Permit Authority to Local Governments

After a local coastal program or a part of it has been certified by the Coastal Commission and all implementing actions within the affected area have become effective, the Coastal Commission's permit authority is to be delegated to the appropriate local government, except for the Coastal Commission's reserved permit jurisdiction that includes tidelands, submerged lands, and public trust lands, and except for port developments and State university or college developments, for which no local coastal development permit is necessary.(30519)

A permit is to be issued if the issuing agency (or the Coastal Commission on appeal) finds the development is in conformity with the certified local coastal program.(30604(b))

Each permit issued for a development between the nearest public road and the sea or shoreline of a body of water in the coastal zone is to include a specific finding that the development is in conformity with the public access and public recreation policies of the Coastal Act.(30604(c))

After certification, a local government permit action on certain developments or developments in certain areas may be appealed to the Coastal Commission as described in Chapter 6.

The Coastal Commission procedure for hearings and appeals of local decisions will be basically the same as under the interim permit system (see Chapter 6). However, by August 1, 1978, the Coastal Commission will adopt revised procedures specifically governing appeals after certification of local coastal programs.(30620.6)

C. Local Governments

The following is a list of cities and counties that have jurisdiction within the coastal zone and will produce a local coastal program.

Del Norte County
Crescent City

Humboldt County
Trinidad
Arcata
Eureka
Fortuna
Ferndale

Mendocino County
Fort Bragg
Point Arena

Sonoma County

Marin County

San Francisco City and County

San Mateo County
Dale City
Pacifica
Half Moon Bay

Santa Cruz County
Santa Cruz
Watsonville

Monterey County
Marina
Sand City
Seaside
Pacific Grove
Monterey
Carmel

San Luis Obispo County
Morro Bay
Pismo Beach
Grove City

Santa Barbara County
Santa Barbara
Carpinteria

Ventura County
Ventura (San Buenaventura)
Oxnard
Port Hueneme

Los Angeles County
Los Angeles
Santa Monica
El Segundo
Manhattan Beach
Hermosa Beach
Redondo Beach
Avalon
Torrance
Palos Verdes Estates
Rancho Palos Verdes
Long Beach

Orange County
Seal Beach
Huntington Beach
Costa Mesa
Newport Beach
Laguna Beach
San Juan Capistrano
San Clemente

San Diego County
Oceanside
Carlsbad
Del Mar
San Diego
Coronado
National City
Chula Vista
Imperial Beach

CHAPTER 8

MANAGING THE COAST (3): PORT MASTER PLANS

The Coastal Act devotes Chapter 8 to the principal California ports (not including those in San Francisco Bay, which is subject to regulation by BCDC (see Chapter 4)).

The Ports of Hueneme, Long Beach, Los Angeles, and San Diego are some of the State's primary economic and coastal resources and are essential elements of the national maritime industry. The locations of the commercial port districts are well established. For many years these ports have been devoted to transportation, commerce, industry, and manufacturing uses consistent with local, State, and Federal regulations. (30701)

Coastal planning, according to the Coastal Act, requires no change in the number or location of the present ports; however, it does encourage present facilities to modernize in such a manner as to eliminate future dredging and filling for new ports. (30701)

Sections 30702 through 30708 contain the policies that apply particularly to the ports. Only in certain areas such as wetlands, estuaries, and recreational areas will the policies that apply to the rest of the coastal zone apply to those resources within the boundaries of these ports. A procedure for paralleling the local coastal program is established for the Ports of Hueneme, Long Beach, Los Angeles, and San Diego whereby the ports prepare a port master plan for certification by the Coastal Commission.

Within 90 days after January 1, 1977, the Coastal Commission shall, after a public hearing, adopt, certify, and file with each port's governing body a map delineating the present legal geographic boundaries of each port's jurisdiction within the coastal zone, and a map delineating boundaries of any wetland, estuary, or existing recreation area indicated in Part IV of the Coastal Plan within the geographic boundaries of each port. (30710)

Each port governing body is required to prepare and adopt a port master plan. The port master plan will include:

1. Proposed land and water uses, where known;
2. Projected design and location of port land and water areas, navigational routes, etc.;
3. Estimate of development's effect on marine environment -- a review of existing water quality, habitat areas, quantity and quality biological inventory, and proposals to mitigate the port's effect;
4. Proposed projects of the categories that will be appealable to the Coastal Commission; and
5. Provisions for public hearing and participation (30711)

The public shall be encouraged to submit testimony, statements, and evidence concerning the port master plan. The port governing body will publish notification of the completed draft plan which will be available to the Coastal Commission and the public. A public hearing will be held not earlier than 30 days and not later than 90 days following the draft's publication (30712) Ports completing a plan prior to January 1, 1977, shall submit it to the Coastal Commission and hold a hearing, in accordance with the above provisions, for the purpose of reviewing such a master plan in conformance with the Coastal Act. (30713)

After public notification, hearing, and consideration of comments and testimony, the port governing body will adopt its master plan and submit it for certification. Within 90 days after the submittal, the Coastal Commission, after a public hearing, will certify or reject the plan or portions thereof. If the Coastal Commission fails to take action within 90 days, the plan will be deemed certified. (30714)

Until the port master plan has been certified, coastal development permits will be required from the Coastal Commission. After certification, the permit authority shall be delegated to the port governing body with appeals to the Coastal Commission allowable only on the following:

1. Development for storage, transmission,and processing of LNG and crude oil in quantity with a significant impact upon oil and gas supply of the state and Nation;
2. Certain wastewater treatment facilities;
3. Roads and highways not principally for internal circulation;
4. All buildings not principally developed to administer the port;
5. Oil refineries; and
6. Petrochemical production plants. (37015)

The port governing body will inform and keep the Coastal Commission and other interested persons advised of the planning and design of any appealable development. (30717).

For development under the certified master plan and not appealable, all environmental impact reports and negative declarations pursuant to the California Environmental Quality Act of 1970 or environmental impact statements pursuant to the National Environmental Policy Act of 1969 will be forwarded to the Coastal Commission in a timely manner. (30718)

A port governing body can amend its master plan, but the amendments will not take effect until certified by the Coastal Commission. (30716)

CHAPTER 9

MANAGING THE COAST (4): ENERGY FACILITY IMPACTS, PUBLIC ACCESS, AND SHORELINE EROSION

A. Energy

Probably no single issue so dominated the Coastal Commission's and regional commissions' planning and development permit processes after 1972 than the siting, design, and impacts of major energy facilities in the coastal zone. As the Coastal Plan described it,

> "The land and water of California('s) coastal zone (are) now used, and can be used more, to contribute to the State's energy supply in five principal ways:
>
> - To provide sites and ocean cooling water for power plants that generate electricity:
> - To provide sites for drilling, production, treatment, storage, and pipeline facilities for oil and gas operations onshore and on submerged lands beneath State and Federal offshore waters;
> - To provide terminals to moor and offload tankers and barges bringing crude oil and refined products to California, the region, and the nation;
> - To provide sites for oil refineries; and
> - To provide special terminals and onshore plant facilities for liquefied natural gas imports."

The Coastal Plan said one goal was "to protect, enhance, and restore the coastal environment while also providing for energy facilities for which a clear public need and a need for siting along the coast can be shown." A section was devoted to findings and detailed policies covering major energy facilities.

Statutory Provisions

The Coastal Act continued the Coastal Plan's special emphasis on energy facility impacts. An important statement establishing State policy with regard to energy facilities is made early in the Coastal Act:

> "The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state." (30001.2)

The Coastal Commission and regional commissions, whose planning and management role includes the protection of regional, State, and national interests in the coastal zone and the coordination and integration of public agency activities in the coast (30004(b)), was given a strong role in regulating the siting and design of major energy facilities. The Coastal Commission has coastal development permit authority over major energy facilities except for power plants prior to the certification of local coastal programs, and a permit appeal jurisdiction over those facilities after the certification of local coastal programs.(30600, 30601, 30603)

The exception, as noted, is thermal power plants, whose siting remains under the exclusive permit authority of the State Energy Commission, though the Coastal Commission can designate sites inappropriate for power plants as will be discussed below.

Except for power plants, then, the Coastal Commission has siting and design regulatory authority related to environmental impacts of other major energy facilities. As defined in the Coastal Act,

> "Energy facility' means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy." (30107)

The Coastal Act, which is the foundation of the California Coastal Management Program, contains numerous provisions related to energy facility impact planning and management. The following sections indicate how the Coastal Commission, in its active or coordinating role, will carry out the Coastal Act's provisions as well as the requirement in the CZMA for description of "(a) planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to a process for anticipating and managing the impacts from such facilities."

(Section 305(b)(8)). It should be noted that many of the overall energy planning matters will be undertaken by the Coastal Commission and regional commissions with cognizance of the extensive work done by other California agencies such as the State Energy Resources Conservation and Development Commission, the State Lands Commission, and the California Public Utilities Commission, whose statutory mandates and staff expertise are directed at specific energy issues as is discussed below.

Energy Facility Planning Process

The energy facility planning process is integrated into the local coastal program development process (Chapter 7), but has additional provisions for considering the state and national public welfare in energy facility planning decisions. An important Coastal Act policy, applying to coastal dependent industrial facilities, states:

> Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nevertheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible. (Section 30260)

Under the authority of this section, coastal-dependent industrial facilities, including energy facilities, can be permitted if they are found to benefit the public welfare even if they do not meet other policies of the Coastal Act. Other Coastal Act policies that are considered both in permit processing and planning for energy facilities are contained in Article 7 of Chapter 3 of the Coastal Act. These policies establish the general findings that must be made to authorize coastal dependent industrial facilities and provide detailed criteria for evaluating proposed tanker facilities, liquefied natural gas terminals, oil and gas developments, refineries, petrochemical facilities and electric power plants. These policies are also the standards by which the adequacy of local coastal programs are determined (30200)

Steps of the Energy Facility Planning Process

The basic steps of the energy facility planning process are:

1. The Coastal Commission indicates to local governments and local governments themselves identify possible energy facility issues to be addressed in the local coastal program work program.

2. Energy suppliers indicate their anticipated needs for coastal areas to site energy facilities so the local coastal program can include appropriate zoning and ordinances to accommodate these needs.

3. If, after a public hearing and submittal of a local coastal program to the Coastal Commission, the energy suppliers, Commission staff, other state and Federal agencies, or other interested parties find that the local waste program does not adequately address the potential need for new energy facilities (either by providing too many or too few sites for such facilities), this issue is raised to the Coastal Commission, which must resolve the differences before local coastal programs can be certified.

4. A "public welfare" finding must be made in evaluating an application for a proposed coastal-dependent industrial facility site and in considering the adequacy of local coastal programs (Section 30260). In making such a finding, the Commission considers the State and national public welfare as expressed in appropriate legislation, policy statements, and documents on energy policy.

5. The Coastal Commission reviews all local coastal programs and port plans to ensure that, in total, they include adequate provisions for the siting of energy facilities in the least environmentally damaging locations to meet the energy demand as determined by appropriate State and Federal agencies. The participation of agencies with energy policy responsibilities is solicited by the Coastal Commission. In addition, any other interested parties may participate in this review, which forms the basis for possible Coastal Commission amendments to local coastal programs as allowed by Section 30515 of the Coastal Act, which makes provision for the amendment of local coastal programs on the matter of energy facility development:

> Any person authorized to undertake a public works project or proposing an energy facility development may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the

local coastal program was before the commission for certification. If, after review, the local government determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Section 30514.

If the local government does not amend its local coastal program, such person may file with the commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of this division. The local government shall be provided an opportunity to set forth the reasons for its action. The commission may, after public hearing, approve and certify the proposed amendment if it finds, after a careful balancing of social, economic and environmental effects, that to do otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of this division. (Section 30515)

In determining whether such an amendment is necessary, the Coastal Commission considers the energy needs of both the State and the Nation as expressed in appropriate State and Federal legislation, policy statements, and documents.

6. Special projects, reports, and policy statements of appropriate State and Federal agencies are used as technical information by the Coastal Commission in assessing the public welfare aspects of energy facilities in the development, review, and certification of local coastal programs and in processing permit applications prior to local coastal program certification and on appeals afterward. These information sources include: (a) 1976 OCS Project (the results of these projects will be considered at public hearings and revised as necessary to meet national interest and other considerations. After Commission adoption, the conclusions of these studies will be incorporated into the California Coastal Management Program.[1]); (b) the Commission's Power Plant Siting Study; (c) Biennial Report on California Energy Policy by the California Energy Commission; (d) Public Utilities Commission reports and resolutions on gas supply and demand; (e) the President's National Energy Plan; (f) certificates of the Federal Power Commission; (g) Federal Energy Administration reports on the disposition of Alaskan Oil; and (h) other relevant studies.

Policies and Planning for Specific Energy Facilities

A. Oil Tanker Facilities

The Coastal Act includes the following policies on tanker facilities:

Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated so as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oil spills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required. (Section 30261(a))

In evaluating permit applications and in planning for oil tanker facilities, the Commission consults and coordinates with the appropriate Federal and State agencies having jurisdiction over the facilities/oil spill contingency planning, and tanker operations. Such agencies include the State Lands Commission, U.S. Coast Guard, California Department of Fish and Game, and U.S. Environmental Protection Agency.

As with other energy facilities, the Commission considers the public welfare aspects of any proposed new or expanded tanker facility. As part of this consideration, the Commission evaluates expressions of the national and State interest in such facilities as documented in legislation, policy statements, and documents from appropriate Federal and State agencies, including the Office of the President, Office of Planning and Research, Energy Commission, Public Utilities Commission, and Federal energy agencies.

1 pursuant to NOAA refinement or amendment procedures

B. Liquefied Natural Gas Terminals

The Coastal Act includes the following policies on liquefied natural gas terminals:

Only one liquefied natural gas terminal shall be permitted in the coastal zone until engineering and operational practices can eliminate any significant risk to life due to accident or until guaranteed supplies of liquefied natural gas and distribution system dependence on liquefied natural gas are substantial enough that an interruption of service from a single liquefied natural gas facility would cause substantial public harm.

Until the risks inherent in liquefied natural gas terminal operations can be sufficiently identified and overcome and such terminals are found to be consistent with the health and safety of nearby human populations, terminals shall be built only at sites remote from human population concentrations. Other unrelated development in the vicinity of a liquefied natural gas terminal site which is remote from human population concentrations shall be prohibited. At such time as liquefied natural gas terminal operations are found consistent with public safety, terminal sites only in developed or industrialized port areas may be approved. (Section 30261(b))

In evaluating a permit application for an LNG terminal, the Commission considers the positions and studies of the Federal Power Commission, the Public Utilities Commission, the Energy Commission, and other appropriate agencies. Under the Coastal Act policy cited above, more than one LNG terminal can be permitted under the Coastal Act if a finding can be made that "dependence on liquefied natural gas is substantial enough that an interruption of service from a single liquefied natural gas facility would cause substantial public harm." In determining whether this finding can be made, the Commission considers positions and studies of the Federal Power Commission, the Public Utilities Commission, and other appropriate agencies.

Procedures for processing the first application for a terminal have been developed through discussions with the Western LNG Terminal Associates staff (see letter, Bodovitz to McKinney, Appendix G). These procedures include direct review by the State Commission, with participation by the regional commissions, and a special LNG safety review with hearings in the proposed terminal areas.

C. Oil and Gas Development

The Coastal Act includes the following policies on oil and gas development:

Oil and gas development shall be permitted in accordance with Section 30260, if the following considerations are met:
(a) The development is performed safely and consistent with the geologic conditions of the well site.
(b) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.
(c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.
(d) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.
(e) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from subsidence.
(f) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.
Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near-shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators. (Section 30262)

In considering permits for and in planning related to oil and gas development, the Commission coordinates with the appropriate Federal and State agencies including the California Division of Oil and Gas, State Lands Commission, and the U.S. Department of the Interior. In considering the public welfare aspects of any such proposed developments, the Commission utilizes legislation and policy statements and reports of appropriate State and Federal agencies, including the Office of the

President, Interior Department, Federal Energy Administration, the Energy Commission, Governor's Office of Planning and Research, and others.

D. Refineries and Petrochemical Facilities

The Coastal Act includes the following policies on refineries and petrochemical facilities:

(a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3)it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas, and (5)the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted in areas designated as air quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the fuels, or, in the case of an expansion of an existing site, total site emission levels, and site levels for each emission type for which national or State ambient air quality standards have been established, do not increase.

(c) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible. (Section 30263)

In considering the public welfare aspects of such facilities, the Commission utilizes policy statements and reports from appropriate State and Federal agencies, including the Energy Commssion, Federal Energy Administration, Governor's Office of Planning and Research, and the Office of the President.

E. Electric Power Plants and Related Facilities

The Coastal Act includes the following policies on electric power plants:

Notwithstanding any other provisions of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service areas which have been determined to be acceptable pursuant to the provisions of Section 25516 (Section 30264).

(a) In addition to the provisions set forth in subdivision (d) of Section 30241, and in Sections 25302, 25500, 25507, 25508, 25514, 25516.1, 25519, 25523, and 25526, the provisions of this section shall apply to the commission and the State Energy Resources Conservation and Development Commission with respect to matters within the statutory responsibility of the latter.

(b) The commission shall, prior to January 1, 1978, and after one or more public hearings, designate those specific locations within the coastal zone where the location of a facility as defined in Section 25110 would prevent the achievement of the objectives of this division; provided, however, that specific locations that are presently used for such facilities and reasonable expansion thereof shall not be so designated. Each such designation shall include a description of the boundaries of such locations, the objectives of this division which would be so affected, and detailed findings concerning the significant adverse impacts that would result from development of a facility in the designated area. The commission shall consider the conclusions, if any, reached by the State Energy Resources Conservation and Development Commission in its most recently promulgated comprehensive report issued pursuant to Section 26309. The commission shall transmit a copy of its report prepared pursuant to this subdivision to the State Energy Resources Conservation and Development Commission.

(c) The commission shall every two years revise and update the designations specified in subdivision (b) of this section. The provisions of subdivision (b) of this section shall not apply to any sites and related facilities specified in any notice of intention to file an application for certification filed with the State Energy Resources Conservation and Development Commission pursuant to Section 25502 prior to designation of additional locations made by the commission pursuant to this subdivision.

(d) Whenever the State Energy Resources Conservation and Development Commission exercises its siting authority and undertakes proceedings pursuant to the provisions of Chapter 6 (commencing with Section 25500) of Division 15 with respect to any thermal power plant or transmission line to be located, in whole or in part, within the coastal zone, the commission shall participate in such proceedings and shall receive from the State Energy Resources Conservation and Development Commission any notice of intention to file an application for certification of a site and related facilities within the coastal zone. The commission shall analyze each notice of intent and shall, prior to completion of the preliminary report required by Section 25510, forward to the State Energy Resources Conservation and Development Commission a written report on the suitability of the proposed site and related facilties specified in such notice of intent. The commission's report shall contain a consideration of, and findings regarding, all of the following:

(1) The compatibility of the proposed site and related facilities with the goal of protecting coastal resources.

(2) The degree to which the proposed site and related facilities would conflict with other existing or planned coastal-dependent land uses at or near the site.

(3) The potential adverse effects that the proposed site and related facilities would have on aesthetic values.

(4) The potential adverse environmental effects on fish and wildlife and their habitats.

(5) The conformance of the proposed site and related facilities with certified local coastal programs in those jurisdictions which would be affected by any such development.

(6) The degree to which the proposed site and related facilities could reasonably be modified so as to mitigate potential adverse effects on coastal resources, minimize conflict with existing or planned coastal-dependent uses at or near the site, and promote the policies of this division.

(7) Such other matters as the commission deems appropriate and necessary to carry out the provisions of this division.

(e) The commission may, at its discretion, participate fully in other proceedings conducted by the State Energy Resources Conservation and Development Commission pursuant to its powerplant siting authority. In the event the commission participates in any public hearings held by the State Energy Resources Conservation and Development Commission, it shall be afforded full opportunity to present evidence and examine and cross-examine witnesses.

(f) The State Energy Resources Conservation and Development Commission shall forward a copy of all reports it distributes pursuant to Sections 25302 and 25306 to the commission and the commission shall, with respect to any report that relates to the coastal zone or coastal zone resources, comment on such reports, and shall in its comments, include a discussion of the desirability of particular areas within the coastal zone as designated in such reports for potential powerplant development. The commission may propose alternate areas for powerplant development within the coastal zone and shall provide detailed findings to support the suggested alternatives. (Section 30413)

The aim of these provisions is to ensure that California has an adequate electricity supply to meet the demand determined by the Energy Commission through its electricity demand and supply forecasting. The Energy Commission, in determining the need for new power plants pursuant to Section 25300-309 of the Public Resources Code, holds extensive public hearings and coordinates with many State and Federal agencies. The Coastal Commission, in turn, closely coordinates its consideration of coastal powerplants with the Energy Commission.

Other Agencies Involved in Energy Facility Planning

Several State agencies have legislatively mandated responsibilities for both energy facility planning and for assessing State and national public welfare interests in the evaluation of energy supply and demand alternatives. The Coastal Commission coordinates with these agencies, consults with the appropriate Federal agencies and utilizes the policy positions and reports of both the State and Federal agencies for evaluating coastal development permit applications and for energy facility siting provisions in local coastal plans. The State agencies involved in this process are listed below.

- State Energy Resources Conservation and Development Commission (Energy Commission): Under the Warren-Alquist Act, the Energy Commission has responsibilities generally including: the consolidation of "the State's responsibility for energy resources, for encouraging, developing, and coordinating research and developemnt into energy supply and demand problems, and for regulating electrical generating and related transmission facilities"; (Section 25006) for formulating a range of measures to reduce wasteful, uneconomical, and unnecessary use of energy, thereby reducing the rate of growth of energy consumption, prudently conserve energy resources, and assure statewide environmental, public safety, and land use goals; (Section 25007) and for comprehensive analysis of the supply and demand for all forms of energy and of the economic and environmental impacts of alternative Federal and State energy policies. (Section 25309)

In both permit and planning proceedings the Coastal Commission utilizes Energy Commission assistance in determining the need for energy facilities and in assessing the public welfare aspects of proposed projects (Section 30260)

- California Public Utilities Commission (CPUC): The CPUC has utility rate regulatory authority and retains regulatory authority over a number of power plants that were under development before the Warren-Alquist Act established the Energy Commission. It is also responsible for assuring the financial stability of utilities while protecting consumer interests. SB 2008 requires the CPUC to coordinate with State agencies for the purpose of providing unified testimony to Federal agencies on energy facilities, and to provide a conflict-resolution mechanism if agreement cannot be reached. The CPUC also forecasts supply and demand for gas and determines the California position on major gas projects in proceedings before the Federal Power Commission.

- Resources Agency: This "super agency" has coordinating responsibilities for activities of the agencies within it -- including the Coastal Commission, Energy Commission, Air Resources Board, and State Water Resources Control Board. The Secretary of the Resources Agency is an ex-officio member of both the Coastal Commission and the Energy Commission.

- State Lands Commission: This agency is responsible for the leasing of State-owned lands and waters for petroleum development. The chairperson of the Lands Commission is also an ex-officio member of the Coastal Commission.

- Office of Planning and Research (OPR): OPR, which is in the Governor's office, has numerous coordinating responsibilities, including the authority to reconcile conflicting functional plans of different agencies. The Coastal Act gives the director of OPR authority to review coastal policies, determine if effective implementation requires the cooperative, coordinated efforts of several State agencies, recommend appropriate actions to the agencies to minimize duplication and conflicts, and recommend changes in programs, duties, responsibilities, and enabling legislation to the Governor and legislature (30415).

- Division of Oil and Gas: This agency, which regulates the drilling of oil and gas wells in California, is required to carry out its responsibilities in conformance with the Coastal Act (Section 30402) and to cooperate with the Commission in evaluating proposed well operations within the coastal zone (Section 30418(b)).

In considering the national interest and public welfare aspects of proposed energy facilities that would be located in or have an impact upon the coastal zone, the Coastal Commission considers the policy positions and reports of all appropriate Federal agencies, including:

Office of the President
Federal Energy Administration
Federal Power Commission
Interior Department
Office of Technology Assessment
Department of Commerce
Nuclear Regulatory Commission
Energy Research and Development Administration
General Accounting Office

Since the beginning of 1977, the Coastal Commission's coordination program has involved the appropriate State and Federal agencies in a review of draft coastal policy interpretive guidelines; a review of the study of areas on the coast where the Coastal Commission should retain authority over power plants (pursuant to Section 30413); and a request for assistance and cooperation in completing these tasks. The Coastal Commission is establishing liaison for formulating a process of mutual review and comment on each agency's responsibilities under the Coastal Act, and liaison with the Energy Commission, CPUC, Resources Agency, State Lands Commission, and OPR for unified participation in Federal agency proceedings on energy facilities. By the end of 1977 it is hoped that a memorandum of understanding (MOU) can be adopted between the Coastal and Energy Commissions on the procedures for review and comment process for coastal energy facilities. The MOU is intended to systematically involve the Energy Commission in addressing the public welfare aspects of proposed and planned energy facilities in the coastal zone. The Coastal Act also encourages the Coastal Commission to develop joint public hearings with other State agencies to expedite and coordinate review of major energy facilities.

Identification of Energy Facilities Likely to Affect Coast

The program to identify and anticipate the impacts of energy facilities likely to be in or affect the coastal zone has been ongoing since 1973. The continuing program has several components:

• 1976 OCS Project: In 1976 the Coastal Commission was awarded a $300,000 grant to study the impacts of Outer Continental Shelf petroleum development on the southern California coast. This study has been carried out by the Office of Planning and Research under contract to the Coastal Commission. A primary objective of this effort is to aid local governments in identifying possible OCS development impacts and formulating strategies to mitigate those impacts that are potentially adverse. Having experienced OCS Lease Sale 35, which was completed in December 1975, southern California is presently faced with Lease Sale 48. The general Pacific OCS Lease Sale 53, which included central and northern California, was scheduled to take place in late 1978. The call for nominations, which had been scheduled for January 1977, has been postponed, and it is not known at this time when or even whether the sale will take place.

• Power Plant Siting Study: Pursuant to authority in the Coastal Act, the Coastal Commission must, by January 1, 1978, designate specific coastal locations where the Commission will retain jurisdiction for power plant siting. Each designation is to include a description of the area's boundaries, the objectives of the Coastal Act that would be affected by a power plant there, and detailed findings concerning the significant adverse impacts that would result from development of a power facility there (30413(b)). The Energy Commission cannot approve a facility for a designated site unless the Coastal Commission "first finds that such use is not inconsistent with the primary uses of such land and that there will be no substantial adverse environmental effects . . ." (Section 25526, added by Section 13 of the Coastal Act). The Coastal Commission, which must revise and update the designations every two years, is also to report to the Energy Commission on the suitability of proposed sites in the coastal zone and make certain findings (30413(d)), after which the Energy Commission, before it can certify the site, must determine "that such site and related facility have greater relative merit than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable by the Energy Commission pursuant to Section 25516" (Section 25516.1, added by Section 10 of the Coastal Act). The Coastal Commission may propose alternate areas for power plant development in the coastal zone (30413(f)). A power plant siting study has begun and preliminary designations of areas where the Coastal Commission will retain jurisdiction over power plants were released in July of 1977. Public hearings will be conducted in late fall and the Coastal Commission will adopt final exclusion maps and reasons for exclusions by December 1977.

• Coastal Commission Review of Local Coastal Programs: The Coastal Commission will, on a continual basis, be assisting, monitoring, and reviewing the consideration of energy facility impacts in local coastal programs and port master plans. In this fashion over the next several years until certification of the final local coastal programs, the Coastal Commission will be applying the Coastal Act's energy standards to specific areas throughout the coastal zone.

• Coastal Commission Review of Coastal Developments: The Coastal Commission, as has already been described, will have permit authority over coastal zone development until certification of local coastal programs, and after that will have a permit appeal jurisdiction covering major energy facilities. The process by which local coastal programs may be amended to allow the siting of energy facilities was also described above.

• Coastal Commission Review and Environmental Impact Reports (EIRs) and Environmental Impact Statements (EISs): Under CEQA and NEPA, the Coastal Commission will review and comment on environmental impacts of energy facilities proposed for the coastal zone.

• Continuing Coastal Commission Management and Planning Activities: The Coastal Commission's continuing planning responsibilities will generally include the monitoring of new energy developments, e.g. the electricity forecasting reports of the Energy Commission, Federal energy agency activities, discussions of proposed energy facilities prior to permit application, etc.

Assessment of Energy Facility Impacts

Even in the absence of the Coastal Act, CEQA would require the comprehensive evaluation of energy facility environmental impacts. The Coastal Act, of course, requires identification of impacts and requires that decision-making take the impacts into account. The Coastal Commission's permit experience from 1973 as well as information gained from the programs of other State agencies, including the California Public Utilities Commission, Energy Commission, and Office of Planning and Research, will be used in assessing the impacts.

Managing Energy Facility Impacts

The management of energy facility impacts is part of some of the planning components and projects mentioned above. In addition, a key aspect of environmental impact reporting is the identification of project alternatives and mitigation measures. Under a 1976 bill, AB 2679, CEQA was amended to require environmental impact report preparers to list the methods by which reviewing agencies can condition approval on the incorporation of mitigation measures. It should be noted that the Coastal Commission and regional commissions since 1973 have often not only required project modification but have attached conditions often requiring mitigation measures, particularly in the case of large projects, e.g. the San Onofre nuclear power plant, expansion of the Encina power plant, and others.

B. Public Access

Public access to all coastal tidelands is guaranteed by the California Constitution. Over the years, this right has been expanded by various statutes and court decisions that recognized the historical public use of the coastline for recreation. Moreover, nearly half of California's 1,072 mile coastline is in public ownership, although about 75 miles of the publicly owned shoreline are along military lands generally not available for public access.

Despite these legal guarantees and historic public use of the California coastline, much access to the shoreline was lost when homes, businesses, and industries cut off existing public access to the shore. Increasing recreation demands put a heavy burden on the publicly owned recreation areas. As a result of this situation, much of the debate over whether Proposition 20 should be approved focused on the public access issue.

To address this problem, Proposition 20 required that a public access element be developed as part of the coastal planning process so that maximum visual and physical use of the coastal zone by the public could be achieved. Moreover, while the Coastal Plan was being prepared, the Coastal Commission was required to condition most development permits that it issued so that access would be provided as a part of new coastal projects.

As a result of the Coastal Commission's analysis of the public access issue, a major section of the Coastal Plan was devoted to the subject (see Coastal Plan, pp. 152-157). Another section of the Coastal Plan (pp. 173-174) addressed the need for public acquisition of some coastal lands for the purposes of increasing public access and protecting coastal resources. A third section of the Coastal Plan outlined a proposal for a new State agency that would be empowered to protect coastal resources and to increase public access through a variety of acquisition and management techniques (see Coastal Plan, pp. 192-193).

Because the Coastal Commission's assessment of public access needs found that the shortage of access would become more critical as more of the coast is developed, both the Coastal Plan and the Coastal Act call for the provision of access along much of the coast except where special problems are encountered. The Coastal Act's basic access policy states:

> "The Legislature . . . finds and declares that the basic goals for the state for the coastal zone are to . . .(c) maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners." (30001.5)

Statutory Provisions. Chapter 4, Section C (Geographic Areas of Particular Concern Within the Coastal Zone) discusses the types of areas that need special protection and outlines the management policies that will apply to these areas.

The State's major polices on shoreline access make up Article 2 of Chapter 3 of the Coastal Act and include:

> "In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." (30210)
>
> "Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation." (30211)
>
> "Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway." (30212)
>
> "Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive of the Government Code and by Section 2 of Article XV of the California Constitution." (30212)
>
> "Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area." (30212.5)
>
> "Lower cost visitor and recreational facilities, and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code." (30213)

Section 30211 contains California's definition of "beach" that is called for in Sections 305(b)(7) of the CZMA, it is "dry sand and rocky coastal beaches to the first line of terrestrial vegetation".

In addition to these policies that address public access directly, two of the Coastal Act's policies on development amplify the need to protect both physical and visual access to the coast. These policies state:

> "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting". (30251)
>
> "The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automibile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development". (30252)

Decisions on the appropriateness of public access in a particular area will be made under the provisions of Section 30212 through the Coastal Commission's regulatory process and through the local coastal program development process.

Implementation Techniques

Three major legislative elements were enacted in California in 1976 that provide techniques for the continuing refinement, implementation, and management of areas needing protection or public access. First is the Coastal Act with its access and resource protection policies that will be implemented by the Coastal Commission and incorporated into local coastal programs. The second implementation tool available is provided by the establishment of the State Coastal Conservancy, which has at its disposal a number of techniques for the preservation of agricultural lands, restoration, enhancement, reservation, and protection of coastal resources, and increase of public accessways. The State Coastal Conservancy is discussed further in Chapter 10, Section C.

The enactment of the State Urban Coastal Park Bond Act of 1976 is the third major program that is available to implement the State's access and resource protection policies. The Bond Act was approved by California voters in November 1976. It provides $145 million for the acquisition of coastal areas and $10 million for the State Coastal Conservancy to begin its program. In enacting the Bond Act, the State Legislature stated that:

> "There is a pressing need to provide statutory authority and funding for a coordinated state program designed to provide expanded public access to the coast, to preserve prime coastal agricultural lands, and to restore and enhance natural and man-made coastal environments." (5096.113(j))

In purchasing areas with funds provided by the Bond Act, the following criteria and priorities will be used:

> "(1) The first priority for the acquisition of coastal recreational resources is as follows:
> (i) Land and water areas best suited to serve the recreational needs of urban populations.
> (ii) Land and water areas of significant environmental importance, such as habitat protection.
> (iii) Land and water areas in either of the above categories shall be given the highest priority when incompatible uses threaten to destroy or substantially diminish the resource value of such area.
> (2) The second priority for the acquisition of coastal recreational resources is as follows:
> (i) Land for physical and visual access to the coastline where public access opportunities are inadequate or could be impeded by incompatible uses.
> (ii) Remaining areas of high recreational value.
> (iii) Areas proposed as a coastal reserve or preserve, including areas that are or include restricted natural communities, such as ecological areas that are scarce, involving only a limited area; rare and endangered wildlife species habitat; rare and endangered plant species range; specialized wildlife habitat; outstanding representative natural communities; sites with outstanding educational value; fragile or environmentally sensitive resources; and wilderness or primitive areas. Areas meeting more than one of these criteria may be considered as being especially important.
> (iv) Highly scenic areas that are or include landscape preservation projects designated by the Department of Parks and Recreation; open areas identified as being of particular value in providing visual contrast to urbanization, in preserving natural landforms and significant vegetation, in providing attractive transitions between natural and urbanized areas; or as scenic open space; and scenic areas and historical districts by cities and counties." (5096.124)

Many of the sites recommended for acquisition by the Coastal Commission will be purchased with Bond Act funds because these criteria are based, in part, on the criteria the Coastal Commission used in developing its acquisition recommendations.

Further refinement of the public access and shoreline protection policies are provided in the Coastal Commission's Interpretive Guidelines and in Coastal Act Policies section of the Local Coastal Program Manual (see Attachment A).

C. Shoreline Erosion

Coastline erosion in California, particularily in Southern California, has long been the subject of studies and corrective projects by Federal, State, and local construction agencies.

The State of California has carried out a shoreline erosion program for about 30 years. Since 1970, the State Department of Navigation and Ocean Development (DNOD) has had the primary responsibility for studying shoreline erosion, developing means for stabilizing eroding areas, and administering a program to provide financial assistance for the construction of erosion control projects.

The Coastal Commission, in both its planning and permit capacities, will continue to sponsor certain analysis and studies, but will depend primarily for technical data on agencies already deeply involved such as Corp of Engineers, U.S. Geological Survey, Department of Navigation and Ocean Development, Department of Water Resources, Soil Conservation Service, certain universities and colleges, and county and municipal protection agencies.

To assess the affects of shoreline erosion, DNOD monitors those sections of the coast that are known to be subject to erosion and at other locations where the effects of erosion could be critical. Photographs are taken of beach areas at least once each year, and the change in beach and bluff conditions are recorded. As funds are available, beach profiles are prepared as part of a cooperative program with local and Federal agencies. These profiles assist in measuring shoreline accretion and erosion. The entire California coastline was photographed from the air in 1970 and again in 1976. A comparative analysis of the aerial photographs provides additional information on shoreline changes.

This mile by mile survey of the erosion problems and projects on the California coastline, funded by the Commission and produced by the Department of the Navigation and Ocean Development, is titled "Shoreline Erosion Along the California Coast." This survey just became available July 30, 1977, after publication of the CCMP/DEIS. The Commission will use the DNOD survey and other available information in it's Coastal Mapping Program and in data to be provided to the 70 local coastal program managers. Another pertinent study which should be useful to the Commission is the Sediment Management Project of the California Institute of Technology and Scripts Institution of Oceanography, funded by a wide array of Federal, State and local agencies. Congressionally authorized Corps of Engineers erosion control studies and projects funded over the years also provides useful information. These studies have led to the development of a proposal for a shoreline process and wave/climate prototype study that is now in its beginning stages. The data from this study could be very useful to the Commission in helping develop long-term solutions to the coastal erosion problems of the 1072 mile main ocean shoreline of California.

To incorporate the existing State program of shoreline protection into the California Coastal Management Program, the Coastal Commission conducted a study of erosion as part of its overall coastal planning process. DNOD participated in this study along with other State and Federal agencies. The conclusions of the Coastal Commission's evaluation resulted in a section of the Coastal Plan being devoted to findings and policies on sand movement and shoreline structures (see Coastal Plan, pp. 43-45). Another section of the Coastal Plan--Development in Hazardous Areas--addressed the associated problems of subsidence and bluff erosion (see Coastal Plan, pp. 86-90).

Statutory Provisions

The California Coastal Management Program's major policy statement on shoreline erosion, as contained in the Coastal Act are:

> "Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible." (30235)
>
> "Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat." (30236)
>
> "Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." (30253(2))

Under these policies, the State's basic approach to shoreline erosion is to prevent development where erosion can be expected rather than to construct protective devices to prevent erosion. Where protective works would be allowed under the above policies, the Department of Navigation and Ocean Development is authorized by Sections 65 through 67.3 of the State Harbors and Navigation Code to plan, design, and administer the funds for the construction of the projects.

Implementation Techniques

The management policies will be implemented through the Coastal Commission's regulation of coastal development and through the incorporation of the policies into local coastal programs.

These policies are refined and amplified in the Coastal Commission's Local Coastal Program Manual (see Attachment A); pages 60 to 71 on the application of the policies on hazard areas should be particularly helpful to local governments. In addition, the Coastal Commission's Interpretive Guidelines contain general statewide guidelines on Geologic Stability of Blufftop Developments (see Attachment B Guidelines) and specific area guidelines applicable to shoreline erosion problems in particular areas. To augment this information, the Department of Navigation and Ocean Development is currently preparing an inventory of eroding and erosion prone areas along the California coast line. This study, which is being supported by the Coastal Commission with CZMA Section 305 funds, will be used to determine where special techniques are necessary to handle the effects of shoreline erosion. Using the techniques recommended by the Coastal Commission, local governments will incorporate these measures into their local coastal programs.

As previously mentioned, where protective works or beach replenishment would be appropriate under the Coastal Act policies, the Department of Navigation and Ocean Development has the authority to plan, design, and finance the projects. In its April 1976 report to the California Legislature on the State's beach erosion control program, and in its April 1976 report entitled Shore Protection in California, the Department of Navigation and Ocean Development summarized the State and Federal programs that are available to finance protective works. Relying primarily on funds provided to the Corps of Engineers by the River and Harbor Acts of 1962 and 1968, the State is able to participate in project construction by providing up to 25 percent of the project cost; local governments are also required to contribute 25 percent.

The State Coastal Conservancy, which is discussed in Chapter 10, Section C, is authorized to award grants to local public agencies and to State agencies for the enhancement of coastal resources that have suffered a loss of natural or scenic values because of indiscriminate dredging or filling, improper location of improvements, or incompatible land uses. These funds can be used to restore areas that have suffered erosion as a result of one of the causes noted above. As is the case with all grants made by the Conservancy, funding cannot be provided unless the Coastal Commission has certified that the proposed project would be in accord with policies of the Coastal Act.

CHAPTER 10

MANAGING THE COAST (5): THE STATE'S MANAGERIAL NETWORK

The California Coastal Management Program provides for a number of State agencies to have continuing jurisdiction over particular parts of, or activities in, the coastal zone. Implementation of the Coastal Act policies by those agencies will complement the work of the Coastal Commission and local governments once local coastal programs have been certified.

Assembly Bill 3544 was enacted by the Legislature as a companion bill to the Coastal Act (see Appendix 2). It establishes a new State organization, the State Coastal Conservancy, with a combination of planning, management, restoration, and acquisition powers that will complement the primary implementation of the California Coastal Management Program by the Coastal Commission.

A. State Agencies and the Management Program

The Coastal Act directs all public agencies to comply with the coastal policies, and devotes an entire chapter (Section 30400 et seq.) to outlining the particular responsibilities of State agencies in the management program, with specific mention of means of coordination with the Coastal Commission.

Cooperation with the Coastal Commission. The Coastal Act specifies that:

> "... every public agency, including regional and state agencies and local governments, shall cooperate with the commission and any regional commission and shall, to the extent their resources permit, provide any advice, assistance, or information the commission or regional commission may require to perform its duties and to more effectively exercise its authority." (30336)

The Coastal Act also provides for joint development permit application systems and joint public hearing procedures. (30337)

Avoidance of Jurisdictional Conflicts. The Coastal Act carefully draws certain jurisdictional lines "to minimize duplication and conflicts among existing State agencies carrying out their regulatory responsibilities" (30400), except for specific provisions, the Coastal Act "does not increase, decrease, duplicate or supersede the authority of any existing State agency," and the Coastal Commission cannot "set standards or adopt regulations that duplicate regulatory controls" of State agencies. (30401)

Coastal Policies and State Agency Plans. The Coastal Act declares the coastal policies and the local coastal programs will: "provide the common assumptions upon which State functional plans for the coastal zone are based" (30403), and "all state agencies shall carry out their duties and responsibilities in conformity with" the Coastal Act.(30402).

State Agency Activities Outside the Coastal Zone. Despite the establishment of a well-defined coatal zone boundary, and the strict limitation of the Coastal Commission's jurisdiction outside the coastal zone, the Coastal Act recognizes the possibility that activities (particularly the large, regionally beneficial public works projects such as highways, wastewater treatment plants, watershed projects, etc.) outside the coastal zone could have direct impact on coastal resources. The Coastal Act therefore states:

> "...all public agencies carrying out or supporting activites outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved." (30200) (emphasis added)

Environmental impact reports on California projects that would affect the coastal zone will, therefore, have to address coastal resource impacts.

Coastal Commission Recommendations to Agencies. The Coastal Act outlines a procedure by which the Coastal Commission is to submit recommendations to State agencies "designed to encourage [them] to carry out [their] functions in a manner consistent with this division," the recommendations are to include

"proposed changes in administrative regulations, rules, and statutes." If an agency does not implement the recommendations, it is to explain its reasons to the Governor and Legislature within six months after receipt of them (30404). The Coastal Act directs the Coastal Commission to make those recommendations periodically "in the case of the State Energy Resources Conservation and Development Commission, the State Board of Forestry, the State Water Resources Control Board and (or) the California regional water quality control boards, the State Air Resources Board and air pollution control districts, the Department of Fish and Game, the Department of Parks and Recreation, the Department of Navigation and Ocean Development, the Division of Mines and Geology, the Division of Oil and Gas, and the State Lands Commission..." The Coastal Act suggests the Coastal Commission may recommend such changes in the case of other agencies.(30404)

Relationship of the Coastal Commission to Other Agencies. The Coastal Commission is legislatively established within the Resources Agency (30300), whose Secretary is designated as one of the three ex-officio, non-voting members of the 15-member Coastal Commission (30301) and is also chairperson of the new State Coastal Conservancy. Among the other units of the Resources Agency are the Air Resources Board; Department of Navigation and Ocean Development; State Water Resources Control Board; Energy Resources Conservation and Development Commission; Departments of Fish and Game, Parks and Recreation, Water Resources, Conservation, and Forestry; the BCDC; Solid Waste Management Board; and, the new State Coastal Conservancy.

It is believed the Coastal Commission, as part of the Resources Agency, will enjoy the benefit of the Secretary's authority in coordinating the California Coastal Management Program with activities of other State agencies, particularly others in the Resources Agency.

Another ex-officio member of the Coastal Commission is the Secretary of the Business and Transportation Agency (30301), which includes the Department of Transportation (Caltrans).

The third ex-officio member is the chairperson of the State Lands Commission (30301), who is also the State Controller.

There are at least two other agencies with which the Coastal Commission can be expected to work: the Department of Food and Agriculture and the Governor's Office of Planning and Research.

B. Roles of Particular State Agencies

Chapter 5 of the Coastal Act describes the roles of eight State agencies in carrying out coastal policies, generally establishing a system of coordination with the Coastal Commission.

Department of Fish and Game and the Fish and Game Commission. The authority of these bodies in the establishment and control of wildlife and fishery management programs is unchanged by the Coastal Act. The Department, with the Department of Navigation and Ocean Development, may study degraded wetlands (30411(b)) and identify those which could be restored in conjunction with the development of a boating facility.

State Water Resources Control Board and Regional Water Quality Control Boards. The State Water Resources Control Board and the regional boards retain their primary responsibility for the coordination and control of water quality in the State, under the Porter-Cologne Water Quality Control Act. The Coastal Commission is not to take conflicting actions in matters of water quality or water rights. However, the Water Code is amended to ensure State and regional water boards support the Coastal Commission's management program to protect the coastal marine environment (Section 15 of the Coastal Act). The Coastal Commission is also given certain regulatory authority over wastewater treatment works both inside and outside the coastal zone, with permit review limited to certain aspects of the works:

"(1) The siting and visual appearance of treatment works within the coastal zone.

"(2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for such service areas to allow for phasing of development and use of facilities consistent with this division.

"(3) Development projections which determine the sizing of treatment works for providing service within the coastal zone." (30412 (c))

In addition, the Coastal Commission's permit determination is to precede the State Water Resources Control Board's final approval of funding. The Coastal Commission is given an active role in reserving sites for treatment works and discharge points within the coastal zone.(30412)

Energy Resources Conservation and Development Commission. The State Energy Commission, which was established in 1974, retains its electrical generating facility permit authority under the Warren-Alquist Energy Act. The Coastal Act amends the Warren-Alquist Act to make several provisions for coordination between the Commission and State Energy Commission. The Coastal Commission is to designate locations inappropriate for siting power plants by January 1, 1978, and every two years thereafter. The State Energy Commission has exclusive jurisdiction over power plants once the Coastal Commission has made this designation but the Coastal Commission is to submit recommendations on such other sites to the State Energy Commission, which is to adopt these recommendations unless to do so would result in greater adverse effects on the environment or the measures proposed would not be feasible. The State Energy Commission is to determine the relative merits of coastal and inland sites (Public Resources Code Sections 25302, 25500, 25507, 25508, 25514, 25516.1, 25519, 25523, and 25526 and Coastal Act Sections 30600 and 30413).

Office of Planning and Research. The Office of Planning and Research is to review Coastal Act policies and recommend to State agencies actions that should be taken to minimize potential duplication and better achieve implementation of the policies. (30415)

State Lands Commission. Since 1937 the State Lands Commission has had jurisdiction over all ungranted tidelands and submerged lands belonging to California. The State Lands Commission administers these lands through its staff, the State Lands Division. The Coastal Act does not change the authority of this Commission over these lands or the rights and duties of its lessees or permitees. The Lands Commission is to review proposed local coastal programs and port master plans that could affect State lands. (30416)

Board of Forestry. The Coastal Act amends the Z'berg-Nejedly Forest Practice Act to ensure coordination between the Forestry Board and the Coastal Commission in protecting coastal resources. Briefly, the Coastal Commission is to identify, by July 1, 1977, "special treatment areas" within coastal zone forest lands and make recommendations to assure that natural and scenic qualities of these areas are protected. (30417(b)) The State Board of Forestry is to consider these recommendations in developing rules and regulations on the conduct of timber operations (Public Resources Code Section 4551.5). No Coastal Commission permit for timber operations is required.

Air Resources Board. The authority of the Air Resources Board and local air pollution control districts in establishing ambient air quality and emission standards and air pollution control programs is not affected by the Coastal Act. The Air Resources Board may recommend to the Coastal Commission ways to complement or assist in the implementation of air quality programs. (30414)

Bay Conservation and Development Commission (BCDC). The segmentation, at least for the time being, of the BCDC's jurisdiction -- San Francisco, San Pablo, and Suisun Bays -- from the coastal zone is discussed in Chapter 4. According to the Coastal Act, the Coastal Commission and BCDC are to conduct a joint review of the Coastal Act and the McAteer-Petris Act of 1969 (BCDC's legislation) to determine how the program administered by BCDC shall be related to the Coastal Act. (30410) Their recommendations shall be presented jointly to the Legislature not later than July 1, 1978.

C. State Coastal Conservancy

The new State Coastal Conservancy is expected to have an integral role in the California Coastal Management Program. The State Coastal Conservancy was established January 1, 1977, under the terms of AB 3544, introduced by Assemblyman Michael Wornum and enacted about the same time as the Coastal Act (see Appendix 2).

The establishment of the Conservancy was a key recommendation of the Coastal Plan. Modeled after the Tahoe Conservancy Agency, which was established in 1974 to carry out the acquisition and restoration recommendations of the adopted Tahoe Region Plan, the Conservancy will carry out activities complementary to other State agencies--not in competition with them--because of gaps in the powers of those agencies.

In general, the Conservancy is to be responsible for implementing a program of agricultural lands protection, area restoration, public access, and resource enhancement in the coastal zone.

The Conservancy is a part of the Resources Agency. It consists of five members: the Resources Agency Secretary (chairperson), the chairperson of the Coastal Commission, the Director of Finance, and two public members appointed by the Governor. The public members serve four-year terms. The Conservancy has its own small staff. The legislation provides, however, for the Conservancy to rely on the already existing Departments of Parks and Recreation and Fish and Game as well as the Coastal Commission, the Real Estate Services Division, and the Department of General Services to carry out its mandate.

The Conservancy has great potential to be more than an acquisition agency. Its ability to condemn accessways for the public is a critical adjunct to the Coastal Act's access provisions, which among other things include separate public access components in local coastal programs and the requirement

for accessways in many new developments. Furthermore, the Conservancy could use its powers of acquisition and sale--for example, the buying of existing small lots, consolidating them, and reselling a large parcel for agricultural use--as an effective planning and management tool.

The Conservancy has authority in the following resource areas:

Agricultural Land Preservation. The Conservancy may acquire, pursuant to the Property Acquisition Law (Government Code, Section 15850 et seq.), real property or any interests therein, including development rights and easements in land located in the coastal zone to prevent loss of agricultural land to other uses and assemble lands into parcels of adequate size to permit continued agricultural production. As much land as possible that has been acquired for agricultural preservation is to be returned to private use or ownership. In case of leases to private individuals, a procedure to reimburse counties with 24 percent of the gross income goes into effect.(31150, 31154)

The highest priority for acquiring interest in land is for agricultural lands identified to be in urba fringe areas. (The Coastal Commission in March 1976 recommended the Conservancy acquire in three areas, including agricultural lands on the Ventura-Oxnard Plain.)

Conservancy acquisitions must be certified by the Coastal Commission as concerning agricultural lands within the area of a certified local coastal program, and, there is no other reasonable means of assuring continuous use of such lands for agricultural purposes.(31152)

Coastal Restoration Projects. The Conservancy may award grants to local public agencies for restoring areas of the coastal zone, which because of scattered ownership, poor lot layout, inadequate park and open space, and incompatible land uses are adversely affecting the coastal environment or impeding orderly development. Areas prepared for restoration must be identified in a certified local coastal program. The Conservancy may provide up to the total cost of any coastal restoration project and up to $50,000 of the cost of preparing such projects. Restoration plans must be found to be consistent by the Coastal Commission with the policies had objectives of the Coastal Act.

Where a local public agency is unable or unwilling to undertake a restoration project identified in a certified local coastal program, the Conservancy may undertake such restoration. Each such restoration project shall, for purposes of funding, be included in the annual legislative budget act.(31215)

Coastal Resource Enhancement Projects. The Conservancy may also award grants to local public agencies and State agencies for the enhancement of coastal resources that have been adversely affected by indiscriminate dredging, improper location of improvements, or incompatible land uses.(31251)

Resource Protection Zones. AB 3544 states as legislative intent that buffer areas, to be known as "resource protection zones," shall be established around public beaches, parks, natural areas, and fish and wildlife preserves in the coastal zone to ensure that surrounding development is compatible with the the existent resource values. Such areas are to be identified by the Department of Parks and Recreation and the Department of Fish and Game prior to January 1, 1979. Identified resource protection zones are to be incorporated into the appropriate local coastal program.(31303)

Significant Coastal Resource Areas. The legislation also provides that the Conservancy may make 10-year interest free loans to the Department of Parks and Recreation for the purpose of reserving sites designated in certified local coastal programs for park, recreation, fish and wildlife habitat, historical preservation, or scientific study. If no public agency indicates a willingness to acquire such lands within 10 years, the Real Estate Services Division may dispose of the land at fair market value without restriction as to its subsequent use.(31350-31356)

Public Accessways. The Department of Parks and Recreation is further authorized to implement a system of public accessways to and along the State's coastline. The Conservancy may make grants to the Department for that purpose, as well as to local entities for the initial development of accessways of regional significance.(31400-31406)

CHAPTER 11

MANAGING THE COAST (6): THE NATIONAL INTEREST AND THE CONSISTENCY OF FEDERAL ACTIONS

The California Legislature, in passing the 1976 Coastal Act, declared that the California coastal zone "is a distinct and valuable natural resource of vital and enduring interest to all the people" and that its "permanent protection . . . is a paramount concern to present and future residents of the State and nation." (30001)

The Coastal Act, in its declaration of the necessity for continued State coastal planning and management through the Coastal Commission, specifies two of the reasons: (1) "to protect regional, state, and national interest in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the state;" and (2) "to provide maximum state involvement in Federal activities allowable under Federal law or regulations or the U. S. Constitution which affect California's coastal resources." (30004(b)). These are the statutory foundations for the consideration of the national interest in the CCMP's management of the coastal zone - discussed in Section A below - and the administration of the Federal consistency clause - Section B below.

This chapter describes how California has taken the national interest into account in the development of its coastal management program and describes the process the Coastal Commission uses to consider greater than local concerns in the siting of certain types of facilities that have been clearly defined as being in "the national interest." This is not intended to be a statement, rule, or regulation defining the "national interest"; rather, it is a demonstration of how the program addressed the national interest in its development and a description of the procedures used by the Coastal Commission to identify, participate in the planning for, and give adequate consideration to the national interest in the implementation of the CCMP. Relevant Federal agencies have had extensive opportunities to review and participate in the development of both Sections A and B below, as well as in the development of the overall California Coastal Management Program.

A. The National Interest in the California Coastal Zone

The California Coast Is A National Resource

The California coastline is of more than local or even State importance; it is a resource of national significance; it comprises more than half the western coastline of the contiguous 48 states.

Visitors from across the country enjoy the scenic beauty and recreational facilities along the coast. Foreign goods bound for consumers in inland States and U. S. products on their way to distant countries pass through California ports. Petroleum and other minerals, timber, and farm and fishery products from the coastal zone are shipped to the rest of the nation.

Use of the coastal land area and adjacent waters for national defense and national security is of paramount importance and is among the highest priority in the management of the coastal zone. Many of the military installations located along the coast have defense missions requiring operational use of the coastal zone. In addition, military installations are important components in their local areas, and represent a stable and substantial contribution to the coastal and State economy.

Recognizing the distinct and irreplaceable value of this country's coastline, the Congress enacted the Coastal Zone Management Act, which states, ". . . it is national policy . . . to preserve, protect, develop, and where possible, to restore or enhance, the resources of the nation's coastal zone for this and succeeding generations" (Section 303(e)). This language is almost identical to one of the objectives of Proposition 20, ". . . to preserve, protect, and where possible, to restore the resources of the coastal zone" (27001); and to one of the basic declarations of the Coastal Act, "the permanent protection of the (California coastal zone) is a paramount concern to present and future generations of the state and nation." (30001)

Under the CZMA, California has received financial assistance for the development of its coastal management program. The Coastal Act is the foundation of the CCMP submitted to the Department of Commerce. Once approved by the Secretary of Commerce, the CCMP provides the basic policies for determining both State and national interests in the California coastal zone. The CZMA further requires Federal agencies to comply with the approved State coastal management program to the maximum extent practicable. (Sections 307(c) and (d))

To ensure the national interest is adequately addressed in the CCMP, the CZMA requires that the State coastal "management program provides for adequate consideration of the national interest involved in planning for, and in the siting of facilities (including energy facilities in, or which significantly affect, such state's coastal zone), and that the program assures that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude uses of regional benefit. (Section 306(e)(2))

Table 1

CONSIDERATION OF THE NATIONAL INTEREST IN CALIFORNIA'S COASTAL MANAGEMENT PROGRAM

National Interest in Siting Facilities for:	Associated Facilities	Cognizant Federal Agencies Modified From List Provided by OCZM (15 CFR 923.15)	National Interest Considered in Coastal Act and Conservancy Act Sections
1. Energy production and transmission.	Oil and gas wells; storage and distribution facilities; refineries; nuclear, conventional powerplants; deepwater ports	Federal Energy Administration, Federal Power Commission, Bureau of Land Management, Nuclear Regulatory Commission, Geological Survey, Dept. of Transportation, Corps of Engrs., Maritime Administration.	30260, 30261, 30262, 30263, 30264, 30413, 30232, 30250(b), 30255, 30515, 30001.2, 30004, 30001, 30001.5, 30004, 30250(b), 30255, 30232, 30515, 30001.2, 30703(a)(5), 30501(c), 30413(b),(c), 30701, 30700.5, 30701, 30702, 30705, 30706, 30707, 30708, 30233, 30008
2. Recreation (of an interstate nature).	National seashores, parks, forests; large and outstanding beaches and recreational waterfronts; wildlife reserves; wilderness and recreation areas.	National Park Service, Forest Service, Bureau of Outdoor Recreation, Fish and Wildlife Service.	30250(c), 30252, 30254, 30255, 30212.5, 30213, 30220, 30221, 30222, 30223, 30501(c), 30210, 30211, 30212, 30001, 30001.5, 30004(b), 30240(b), 30235, 30233, 30234, 30008
3. Interstate Transportation.	Interstate highways, airports, aids to navigation; ports and harbors, railroads.	Department of Transportation, Corps of Engineers, Maritime Administration, Interstate Commerce Commission.	30001, 30001.2, 30001.5, 30004, 30004(b), 30254, 30255, 30700, 30700.5, 30701, 30702, 30703, 30705, 30706, 30707, 30708, 30261, 30262, 30501(c), 30232, 30233, 30008
4. Production of food and fiber.	Prime agricultural land and facilities; forests; mariculture facilities, fisheries.	Department of Agriculture, Fish and Wildlife Service, National Marine Fisheries Service.	30001, 30001.2, 30001.5, 30004(b), 30501(c), 30234, 30703, 30241, 30242, 30243, 30250, 30255, 30240, 30231, 30233, 30008, 31150-31155, 31200-31215
5. Preservation of life and property.	Flood and storm protection facilities; disaster warning facilities.	Corps of Engineers, Federal Insurance Administration, NOAA, Soil Conservation Service, ASCS, HUD	30001, 30004(b), 30231, 30232, 30235, 30236, 30253(1),(2), 30501(c), 30250(b), 30008
6. National defense and aerospace.	Military installations defense manufacturing facilities; aerospace launching and tracking facilities.	Department of Defense, NASA	30003, 30008
7. Historic, cultural aesthetic and conservation values.	Historic sites, natural areas; areas of unique cultural significance; wildlife refuges; areas of species and habitat preservation.	Register of Historic Places, National Park Service, Fish and Wildlife Service, National Marine Fisheries Service, HUD.	30001, 30001.5, 30004(b), 30210, 30231, 30232, 30233, 30235, 30236, 30240, 30244, 30250(a), 30251, 30253(5), 30255, 30501(c), 30008, 31251-31265, 31300-31306, 31350-31356
8. Mineral resources.	Mineral extraction facilities needed to directly support activity.	Bureau of Mines, Geological Survey.	30001, 30001.2, 30001.5, 30004(b), 30008, 30501(c), 30255, 30262 30233(6), 30705(5)

Section 923.15 of the CZMA regulations provide that "No separate national interest 'test' need be applied and submitted other than evidence that the . . . national interest facilities have been considered in a manner similar to all other uses, and that appropriate consultation with . . . Federal agencies . . . has been conducted." The following sections are the required evidence.

Planning for the National Interest

Previous experience has demonstrated the difficulty of defining the national interest in the planning and siting of facilities. There are typically many different participants with various interpretations. Throughout the development of the California Coastal Management Program, efforts were made to solicit comments and review statements to ensure that there would be no inherent conflict between the national interest and the policy base of the program. The California Coastal Management Program is a comprehensive program designed to consider the multiple water and land uses in the coastal zone. Accordingly, trade-offs must be made with respect to the allocation of land and water resources with priority designations being required to resolve conflicts. Because of the widespread participation in the development of the program, the policies are reflective of the needs and interests of local, State, and national governments. Furthermore, the California Coastal Act of 1976 and other elements of the CCMP provide substantive policies and procedural requirements for continuing to give adequate consideration of the national interests in facility siting in the future.

Recognizing its responsibilities to the rest of the nation, California in its coastal planning has made every effort to consider the national interest in issues affecting the coast. The Coastal Management Program recognizes national defense and national security as important aspects of national interest, because without the attainment of these objectives all other goals and objectives can be threatened. The Coastal Act's policies on the protection of agricultural land and marine and wildlife habitat recognize the importance of California farm production and fisheries to the rest of the nation and also acknowledge the world food shortage. The policies calling for recreational and public oriented uses to have a high priority along the coast reflect the increasing popularity of the coast as a tourist destination.

The Coastal Act's energy and industrial development policies, especially important because of the increased interest and activities resulting from the Department of the Interior's leasing of Outer Continental Shelf (OCS) areas for petroleum exploration and extraction, take into account California's role in addressing national energy needs. The energy policies are based on a willingness to respond with a broader State role in meeting the nation's energy needs while, at the same time, properly planning for and protecting California's environmental, economic, and legal interests.

Table 1 illustrates how California's management program has addressed the national interest. The first three columns of the table are drawn from NOAA's regulations on the CZMA national interest requirements. (15 C.F.R. 923.15). The right hand column of the table lists the Coastal Act and Conservancy Act sections that address these requirements which are other than local in nature. In addition to these statutory sections, other regulation provisions that are an integral part of the CCMP further accommodate national interest considerations. (See for example, 4A . 4, Section 00041. of Local Coastal Program Regulation, Appendix 5). Further evidence of the Coastal Commission's consideration of national interest is provided by the December 10, 1976, report to the Congress by the Comptroller General of the United States which documents the long and extensive participation of Federal agencies in the development of the CCMP.[1]

The Coastal Commission is given authority under Section 30330 of the Coastal Act to exercise the primary responsibility for the implementation of the Coastal Act and to exercise any and all powers granted to the State by the Federal CZMA. The Commission looks to the following sources for policies and information that must be taken into account to adequately consider national interests in exercising both its planning and management responsibility:[2]

a. Federal laws and regulations;

b. Policy statements from the President of the U.S. (e.g., National Energy Plan);

c. Special reports, studies, and comments from Federal and State Agencies;

d. Testimony received at public hearings and Coastal Commission deliberations;

e. Certificates, policy statements, and solicited opinions issued on specific projects by Federal regulatory agencies such as FPC, ERDA, FEA, etc.;

f. Statements of the national interest issued by NOAA, and other Federal agencies.

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[1]The Coastal Zone Management Program: An Uncertain Future. (See especially pp. 59-61.)

[2]Priorities are not intended by the order of the sources.

The process of synthesizing these various sources of information is broken down into four basic steps which can occur concurrently.

1. Planning for Facility Siting Impacts

The Coastal Commission is empowered to prepare and adopt any additional plans and maps and undertake any studies it deems necessary and appropriate to accomplish the purposes, goals, and policies of the Coastal Act, provided that adoption occurs only after public hearing (30341). This authority gives the Commission long- and short-range planning capability to determine impacts of land and water uses in the coastal zone, in advance of specific development permit requests. This authority will benefit all parties concerned with facilities siting. The public hearing requirements ensure that all interested parties will have an opportunity to participate in the management process.

2. Review of Applications for Coastal Development Permits

During the period until local coastal programs are developed and certified, a Coastal Commission permit is required to construct or carry out development in the coastal zone. The Commission ordinarily requires a local approval in concept of proposed project before it will complete the processing of a Coastal Commission permit. This requirement can be waived for good cause.

A permit applicant is generally required to provide the following information:

a. Description of the proposed development project site and vicinity using maps, plans, photos, etc.;

b. Present use and plans;

c. Alternatives to the project or mitigation measures to lessen impact;

d. Description of the applicant's legal interest in the property;

e. An Environmental Impact Report or Statement or a negative declaration if required; and

f. Additional information as required by the Commission.

Each application is reviewed by the staff in one of the Regional Coastal Commission offices and an evaluation is made to determine whether the proposed activity is compatible with the Coastal Act. The Regional Commission acts on the recommendation of the staff.

The national interest is also considered as part of this evaluation. When appropriate, Federal agencies are afforded an opportunity to assist the Commission staff in this evaluation by providing information and Federal agency views on the proposed development. Applications for major permits (i.e., those not eligible for an administrative permit under the Commission's regulations) are reviewed by a Regional Commission at a public hearing. Federal agencies and other interests are thus given the opportunity to voice the national interest which is considered by the Regional Commission in making its decision. Projects that the State Legislature defined as being of greater than local importance and proposals for development in important resource areas are subject to appeal to the State Coastal Commission. The State Commission can also "pull up" for direct consideration any permit application to a Regional Commission to expedite the review process.

On appeal or on projects directly reviewed by the State Commission, the staff evaluates the proposal, including any national interest aspects of the development. Federal agencies and other interests are allowed to participate in the staff's evaluation both by making their interests known to the staff in preparing its recommendation to the Commission and in the Commission's public hearing. Finally, aggrieved parties (including Federal agencies) can seek judicial review of a Commission decision if they believe that the national interest is not adequately considered.

3. Federal Consistency Determinations

Section B of this chapter outlines in some detail the procedures that California will use in evaluating the consistency of Federal activities and projects subject to the requirements of Section 307 of the CZMA. The consideration of national interest are required to be incorporated into the development of local coastal programs which will, when certified, form one basis for the Coastal Commission's consistency determination; and (2) the State Coastal Commission will retain the primary authority for evaluating projects and activities subject to the Federal Consistency determinations.

4. Local Coastal Program Development

Preparation of local coastal programs will involve all local, regional, State, and Federal agencies having an interest in the planning area. Integrating the policies and proposals of various agencies and resolving conflicts will require extensive cooperation. Local governments are responsible for providing maximum opportunities for involvement of all affected public agencies. Specific procedures for seeking participation for determining key decision points involving other agencies will be defined in the LCP work programs and carried out during the LCP preparation.

At the same time, public agencies - local, regional, State, and Federal - have an obligation to provide information and assistance to the local governments. Moreover, it is in their interest to do so, because, after certification of the LCP, all governmental agencies, with the exception of certain Federal activities, must carry out their development activities within the coastal zone consistent with the LCP.

Because local governments will participate in the State's implementation of the Federal consistency provisions, LCPs can affect Federal actions; therefore, it is essential that the views of Federal agencies affected by the local program be considered in its development. In the Commission's Local Coastal Program Manual (Attachment A), specific Federal agencies that have a particular interest or can provide information on each of 14 policies are identified in the section, "Agencies and Sources of Information." The Federal agencies will be provided the opportunity to articulate their perceptions of the national interest and to provide technical information so that local governments can consider this in preparing their LCPs.

The Coastal Act states that "the Legislature . . . finds and declares the public has the right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation." (Section 30006) Citizen participation cannot change the State's coastal policies as set forth by the Legislature in the Coastal Act. But within the flexibility allowed in applying those policies at the local level, public involvement will be an important factor in planning, implementing, and reflecting greater than local concerns in California's coastal conservation and development program.

One aspect of public participation is public hearing requirements. Section 30503 of the Coastal Act specifically requires that "local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submissions." State planning and zoning laws also require a public hearing by both the planning commission and the local legislative body prior to adoption of all general plans or zoning ordinance amendments. In addition, Section 30510(a) of the Coastal Act provides for the submittal of the LCP pursuant to a resolution adopted by the local government after public hearing. Finally, the Regional Commission and, if appealed or raised on its own motion, the State Coastal Commission will hold public hearings for the review and approval of LCPs.

Important as public hearings are, the full public participation envisioned by the Coastal Act will be much earlier in the planning, with informational meetings, advisory reviews, and other such means of giving the widest possible range of interests an opportunity to participate in the plan preparation and to reflect national interest.

The Coastal Commission, under Section 30339 of the Coastal Act, has the responsibility for "ensur(ing) full and adequate participation by all interested groups and the public" in the Commission's work, and "recommend(ing) to any local government preparing or implementing a local coastal program and to any State agency . . . any additional measures to assure open consideration and more effective public participation . . . " The Commission will, to the extent staff resources permit, provide assistance to local governments with their citizen participation efforts, and promote citizen awareness at the statewide and regional level through various methods such as publishing a newsletter and providing assistance in organizing public forums on regional issues.

Finally, and perhaps most importantly, the Commission's regulations for local coastal program development required that local governments must consider recommended uses of more than local importance in their LCP preparation. The LCP regulations require that "at a minimum, all notices for public review sessions, availability of review drafts, studies, or other relevant documents or actions pertaining to the preparation of a local coastal program shall be mailed to: (1) any member of the public who has so requested . . .; and (2) all of the State and Federal agencies listed in . . . the Local Coastal Program Manual." (Act 5 Section 00050, LCP Regulations.) In this way, organizations concerned about the national interest and Federal agencies will be assured of having the opportunity to participate in the local coastal program development and to express their views to the Coastal Commission for consideration in determining whether a LCP should be certified.

Federal/State Cooperation to Protect the National Interest

California has received extensive assistance and cooperation from many Federal agencies in the preparation of the California Coastal Management Program. (Chapter 13 discusses this participation in greater detail.) Through this process, there was an opportunity for national interests, as perceived by Federal agencies, to be incorporated into the preparation of the Coastal Program. Although there is expected to be general support for the Coastal Act objectives among Federal agencies, there may be disagreements in applying the Coastal Act's policies to particular circumstances. Continued cooperation can ensure that the national interest is protected through a uniform application of the Coastal Act policies to the entire coastal zone by whichever local, State, or Federal agency has regulatory jurisdiction.

Where the California Coastal Management Program would conflict with an overriding national need under circumstances unforeseen when the CCMP was being prepared, it may be necessary for the Federal government to deviate from the program policies in carrying out a Federal activity or project that is in the national interest. The CZMA makes provisions for this deviation by requiring that Federal activities and projects must be consistent with the CCMP only "to the maximum extent practicable." The CZMA also provides that Federal licenses, permits, and assistance can be authorized by the Secretary of Commerce despite a determination by the State of inconsistency with the California Coastal Program - if the activity or project is found to be consistent with the objectives of the CZMA, as amended, or otherwise necessary in the interest of national security. (This finding, however, would not compel the responsible Federal agency to authorize such an activity or project.) Such cases of Federal override are expected to be rare. Except for ational defense and national security needs as established by the President and the Congress, the determination of national interest needs, along with any measures necessary to mitigate the adverse impacts of meeting these needs, should be made cooperatively by the affected local, regional, State and Federal agencies.

The consideration of the national interest in non-Federal projects is accommodated in the CCMP by providing for an appeal of a local decision to the State Coastal Commission on specific types of projects that the Legislature found would be of greater than local significance, namely major public works projects and major energy facilities. Local governments are also required to consider these and other uses of more than local importance in the preparation of the LCPs. Most Federal developments and activities will fall into this category. If, for some reason, the need for a public works project or energy facility development that would serve a greater than local public need is not anticipated at the time the local coastal program is being prepared, a special provision in the Coastal Act allows the State Commission to amend the LCP to accommodate the facility.

Excluded Federal Lands

The national interest in the coast also includes consideration of activities of Federal agencies in facility construction, grant programs, and regulatory programs. To bring the activities of the many Federal agencies within the context of comprehensive planning, the CZMA included the "Federal consistency" requirements (quoted below) and encouraged Federal agencies to coordinate and cooperate with the State to meet the purposes of the CZMA. However, the CZMA also excludes "from the coastal zone . . . lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents." (Section 304(a)). In response to the CZMA, the California Coastal Act includes identical language. (Section 30008). Because there was some disagreement as to the scope of this exclusion clause, NOAA requested an advisory opinion from the U.S. Attorney General in an attempt to clarify the matter. An August 1976 opinion held that all lands owned by the United States are excluded from the coastal zone. In its draft Section 307 regulations, NOAA has proposed to also exclude from the coastal zone lands leased or otherwise used or held in trust by the Federal Government based on further Justice Department review of its August, 1976, opinion. While the Coastal Commission does not agree with either of these opinions, based on comprehensive management principles, it will abide by these preliminary conclusions in the administration of the CCMP for purposes of the CZMA. However, the Coastal Commission reserves the right to include Federally-owned and/or leased lands in the coastal zone in the event judicial, legislative, or administrative modification should occur.

Although all lands owned by the Federal government are excluded from the California coastal zone, Federal activities, including development projects on these lands which directly affect the coastal zone, must be consistent, to the maximum extent practicable, with the California Coastal Management Program. Under CZMA Sections 307(c)(1) and (2), Federal agencies are responsible for determining whether their activities directly affecting the coastal zone are consistent to the maximum extent practicable with the California Coastal Management Program. If the Coastal Commission disagrees with a Federal agency decision, mediation by the Secretary of Commerce or judicial review may be sought. Federal agencies, and in particular the Navy which is the Federal agency most dependent on coastal installations for its continued operations, have displayed increasing sensitivity to environmental issues in their operations. The Navy has cooperated in the development of the California Coastal Management Program by making its interests known to the State. It is Navy policy to conduct Navy activities to the maximum extent practicable consistent with the CCMP so long as national defense objectives are met.

Other Federal agencies have also indicated their willingness to cooperate in a similar manner. There has, for example, been extensive cooperation with the Army Corps of Engineers, which shares regulatory authority with the Coastal Commission over the waters and wetlands of the coastal zone; with the Federal Power Commission on the siting of LNG facilities; and with the Environmental Protection Agency on air and water quality standards. Through a continuation of this process of discussion, negotiation, and mediation when necessary, among local, State, and Federal interests, differences can be addressed cooperatively, and the entire coastal zone can be treated as an interrelated environmental and socio-economic system.

To compliment Federal agencies' efforts to avoid Federal conflicts with the State's management program, State and local planning for the areas surrounding Federal lands will be coordinated with local Federal representatives so, to the maximum extent practicable, these areas are used in a manner consistent with national needs. As a result of this coordination, the California Coastal Management Program will assist in protecting Federal lands from incompatible surrounding uses. It is anticipated that Federal land-holding agencies, being equally aware that environmental problems do not respect jurisdictional boundaries, will do their utmost to comply with applicable Coastal Management Program policies as required by the CZMA.

Considering the National Interest in Energy Facilities

As outlined in Chapter 9, the California Coastal Act requires that the public welfare must be considered both in permit and local coastal program certification decisions where coastal dependent industrial facilities, and particularly energy facilities, are involved (30260). In addition, energy facility developments are accorded special treatment after local coastal programs have been certified (30515). Where these programs would prevent the development of an energy facility that is needed to serve an area greater than that included within the certified local coastal program, the Commission can amend the local program after a careful balancing of social, economic, and environmental effects and after consideration of impacts on the public welfare.

In addressing these required findings, the Commission will consider the expressions of the national interest in proposed energy facilities, in local coastal programs. The Commission will also consider the information, policies, and other expressions of national interest provided by the following agencies:[3]

Office of the President, e.g., National Energy Plan;

U.S. Congress, e.g., Federal legislation;

Interior Department, e.g., OCS leasing schedules;

Federal Energy Administration, e.g., Report to Congress on Disposition of Alaskan Oil;

Federal Power Commission, e.g., certificates for LNG importation projects;

Nuclear Regulatory Commission, Office of Technology Assessment, General Accounting Office, Commerce Department.

State Mechanisms for Considering the National Interest in Energy

At the broadest level of energy planning, under the Warren-Alquist Energy Resources Conservation and Development Act, the State Energy Resources Conservation and Development Commission is responsible for planning for California's energy needs by analyzing the demand and supply of all forms of energy, and by evaluating the economic, environmental, and other impacts of energy policy alternatives. (Public Resources Code Section 25300-25309.) The results of such analyses and the Energy Commission's policy recommendations are submitted to the Governor and Legislature every two years as the Energy Commission's Biennial Report. The first nine-volume report has been issued after extensive hearings on drafts of the report. The Coastal Commission will consider the conclusions and recommendations of the Energy Commission in making energy facility siting and planning decisions under the Coastal Act.

The California Public Utilities Commission is responsible both for determining the State's interest in major gas supply projects in proceedings before the Federal Power Commission, and for making FPC positions known to the Coastal Commission. The Coastal Commission considers both PUC and FPC briefs and judgments in its gas facility siting and planning responsibilities.

Mechanisms for dealing with the national interest in specific types of energy facilities are discussed in Chapter 9.

B. Consistency of Federal Actions

Federal Requirements

Section 307 of the CZMA includes what are generally referred to as "Federal consistency" provisions. These provisions require the following:

- Federal activities

  "(c)(1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State management programs."

- Federal development projects

  "(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved State management programs."

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[3]List not intended to be exclusive.

o Federal licenses and permits

"(3)(A) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state,or its designated agency,a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications, and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state,or its designated agency,shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state,or its designated agency,fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state,or its designated agency,has concurred with the applicant's certification, or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security."

o Licenses and permits

(B) After the management program of any coastal state has been approved by the Secretary under Section 306, any person who submits to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331, et seq.) and regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land use or water use in the coastal zone of such state, attached to such plan a certification that each activity which is described in detail in such plan complies with such state's approved management program and will be carried out in a manner consistent with such program. No Federal official or agency shall grant such person any license or permit for any activity described in detail in such plan until such state or its designated agency receives a copy of such certification and plan, together with any other necessary data and information, and until - - -

"(i) such state or its designated agency, in accordance with the procedures required to be established by such state pursuant to subparagraph (A), concurs with such person's certification and notifies the Secretary and the Secretary of the Interior of such concurrence;"
"(ii) concurrency by such state with such certification is conclusively presumed, as provided for in subparagraph (A);" or
"(iii) The Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is consistent with the objectives of this title or is otherwise necessary in the interest of national security."

"If a state concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, such state, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of such state which is described in detail in the plan to which such concurrence or finding applies. If such state objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification, or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months."

o Federal assistance

"(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of Title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security."

In summary, Section 307 requires that Federal activities directly affecting the coastal zone, including development projects, must be consistent to the maximum extent practicable with a Federally approved State coastal management program. Federal agencies are generally constrained from taking the following actions unless a state has found that proposed activities would be consistent with its management program:

a. issuing a license or permit for any activity affecting the coastal zone;

b. providing financial assistance to State or local government proposals affecting the coastal zone; and

c. granting a license or permit for an activity affecting the coastal zone, covered by a plan for the exploration or development of, or production from, areas leased under the Outer Continental Shelf Lands Act.

Federal activities, including development projects undertaken by Federal agencies on Federally owned lands, are subject to the Federal consistency provisions when the actions directly affect the coastal zone under the jurisdiction of the California Coastal Management Program.

A State finding that an activity regulated or supported by a Federal agency would be inconsistent with the State coastal management program can be appealed to the Secretary of Commerce (the Department of Commerce is responsible for administering the CZMA) who can overrule the State and allow the proposed activity to be conducted if it is found the proposed action is either consistent with the objectives of the CZMA or necessary in the interest of national security. Although states are given the responsibility for making these determinations of Federal consistency under the CZMA, in California the local coastal programs will be regarded as a refinement of the State coastal management program and local governments will, therefore, be afforded the opportunity to participate in determining whether Federal activities and Federal projects would be consistent with the State (and the local) coastal program.

The Federal consistency provisions will provide local governments with considerably more involvement in decisions on Federal activities along the coast, but under the CZMA the views of Federal agencies that would be affected by the local program must be considered in the development of the program before it can be applied to Federal actions.

Administration of the Federal Consistency Provisions

Once the California program is approved by the Secretary of Commerce, the Coastal Commission intends to carry out its responsibilities in connection with the Federal consistency provisions as follows:

(a) Federal activities including development projects directly affecting the coastal zone (Sections 307(c)(1) and (2)).

(i) Memoranda of Understanding with Federal Agencies.

Federal agencies will be requested to enter into memoranda of understanding with the Coastal Commission with regard to any Federal activities including development projects in the coastal zone that would require a coastal agency permit if they were undertaken by other than a Federal agency. These memoranda of understanding will be used to assist the Federal agency in assuring that the Federal activity or development project is consistent to the maximum extent practicable with the State's management program. In most cases a public hearing will be held on the requested memorandum of understanding, with the Federal agency invited to participate. The local government having jurisdiction over the area where the proposed activity or development project would be located will also be invited to participate in the public hearing. Local government representatives will be afforded the opportunity to assist the Coastal Commission in its deliberations by presenting a determination regarding the consistency of the Federal action with the certified local coastal program.

If the Coastal Commission determines that the proposed activity or development project is consistent to the maximum extent practicable with the management program, it will request that the Federal agency enter into a memorandum of understanding. If the Coastal Commission determines that the proposed Federal activity or development project is inconsistent with the management program, it will not enter into a memorandum of understanding with the Federal agency. In the latter case, if the Federal agency disagrees with the Coastal Commission's finding and decides to go forward with the action, it will be expected to (a) advise the Coastal Commission in writing that the action is consistent, to the maximum extent practicable, with the coastal management program, and (b) set forth in detail the reasons for its decision. In the event the Coastal Commission seriously disagrees with the Federal agency's consistency determination it may request that the Secretary of Commerce seek to mediate the serious disagreement as provided by Section 307(h) of the CZMA, or it may seek judicial review of the dispute.

If a Federal agency does not choose to participate in the voluntary memorandum of understanding process, the Federal agency must utilize some other procedure (OMB A-95 project notifications, Environmental Impact Statements, etc.) supplemented as necessary pursuant to the requirements of the CZMA. Regardless of the alternative notification process used by a Federal agency, it must assure that the Coastal Commission is notified of all Federal activities including development projects in the coastal zone at the earliest practicable time in the planning process. The process must also provide adequate opportunity for the Coastal Commission to hold a public hearing and to determine the consistency of the proposed action with the CCMP. The notification must include a description of the activity, a discussion relating the coastal zone effects of the action to the relevant requirements of the management program, and sufficient supporting information for the Coastal Commission to review the Federal agency's consistency determination.

(ii) Consistency of Federal Activities Not Requiring Coastal Permits.

Memoranda of understanding will not be requested with regard to Federal activities including development projects which would not otherwise require coastal agency permits. However, such actions conducted by any Federal agency which will directly affect coastal zone resources will be expected to be undertaken in a manner consistent, to the maximum extent practicable, with California's coastal program as required by the CZMA. The Coastal Commission, with the assistance of local government representatives, will review Federal agency decisions to determine whether Federal actions directly affect the coastal zone, and if there is such an impact, whether the Federal action is consistent to the maximum extent practicable with the coastal program. This review process will include a timely notice and public hearing, with the Federal agency and local governments having jurisdiction over the affected area being invited to participate in the public hearing. Local government representatives will be afforded the opportunity to assist the Coastal Commission in its consideration of the Federal agency's consistency determination by presenting a determination of the consistency of the Federal activity or project with the certified local coastal programs for the affected jurisdictions. If the Coastal Commission finds that the Federal activity or development project directly affects the coastal zone and is not consistent with the management program, and the Federal agency disagrees and decides to go forward with the action, it will be expected to (a) advise the Coastal Commission in writing that the action is consistent, to the maximum extent practicable, with the coastal management program, and (b) set forth in detail the reasons for its decision. In the event the Coastal Commission seriously disagrees with the Federal agency's consistency determination, it may request that the Secretary of Commerce seek to mediate the serious disagreement as provided by Section 307(h) of the CZMA, or it may seek judicial review of the dispute.

(iii) State Monitoring and Review of Federal Activities Including Development Projects.

To assist in implementing the procedures set forth in paragraphs (i) and (ii) above, the Coastal Commission will monitor all Federal activities including development projects that may directly affect the coastal zone. This monitoring effort will rely upon existing inter-governmental coordination procedures - the A-95 notification and review process, review of environmental impact statements, and review of Corps of Engineers public notices - supplemented as necessary with special coordination with individual Federal agencies. The Coastal Commission will make every effort to notify Federal agencies of potential inconsistent Federal activities as early as possible in the Federal agencies' planning process. At the same time, it is expected that each Federal agency proposing to conduct Federal activities including development projects which may directly affect the coastal zone will notify the Coastal Commission at the earliest practicable time. These reciprocal efforts can assist the parties in identifying potential conflicts with the State's management program and, once identified, the Federal agency and the Coastal Commission can work towards early resolution of the problem.

(b) Federal Licenses and Permits Subject to Certification for Consistency.

(i) Federal License and Permit List.

The following Federal agency licenses and permits will be subject to the certification process for consistency with the management program, under Section 307(c)(3) of the CZMA, if the activity being licensed or permitted affects land or water uses in the coastal zone:

Department of Defense - U.S. Army Corps of Engineers:

- Permits and licenses required under Sections 9 and 10 of the Rivers and Harbors Act of 1899;
- Permits and licenses required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972;
- Permits and licenses required under Section 404 of the Federal Water Pollution Control Act of 1972 and amendments; and
- Permits for artificial islands and fixed structures located on the Outer Continental Shelf (Rivers and Harbors Act of 1899 as extended by 43 U.S.C. 1333(f)).

Nuclear Regulatory Commission:

- Permits and licenses required for siting and operation of nuclear power plants.

Department of the Interior - Bureau of Land Management - U.S. Geological Survey:

- Permits and licenses required for drilling and mining on public lands (BLM).
- Permits for pipeline rights-of-way on the Outer Continental Shelf.
- Permits and licenses for rights-of-way on public lands.

Environmental Protection Agency:

- Permits and licenses required under Sections 402 and 405 of the Federal Water Pollution Control Act of 1972 and amendments.
- Permits and applications for reclassification of land areas under regulations for the prevention of significant deterioration (PSD) of air quality.

Department of Transportation - U.S. Coast Guard:

- Permits for construction of bridges under 33 USC 401, 491-507 and 525-534.
- Permits for deepwater ports under the Deepwater Port Act of 1974 (PL 93-627).

Department of Transportation - Federal Aviation Administration:

- Certificates for the operation of new airports.(Federal Aviation Regulations, Part 139)

Federal Power Commission:

- Licenses for construction and operation of hydroelectric generating projects including primary transmission lines.
- Certifications required for interstate gas pipelines.
- Permits and licenses for construction and operation of facilities needed to import, export, or transship natural gas or electrical energy.

This listing is intentionally limited to those Federal licenses and permits that may significantly affect coastal land and water uses. This is desirable to minimize the administrative burdens on the governmental entities as well as on the applicant. If it is found that the issuance of other Federal permits and licenses causes significant effects on coastal land and water uses, the consistency requirements will be applied to those permits or licenses through administrative addition to the list above.

(ii) License and Permit Activities Within the Coastal Zone.

Within the coastal zone, a Coastal Commission permit will be required from non-Federal applicants for the above activities. A memorandum of understanding will be requested from Federal agency applicants for the above activities. The issuance of a Coastal Commission permit* or agreement on a memorandum of understanding will be deemed to be a determination by the State that the proposed Federal license or permit activity is consistent with the management program, and no further certification will be required. In cases where no Coastal Commission permit has been applied for but where one is required, the Coastal Commission will process a certification of consistency concurrent with the permit application. The Coastal Commission will not review whether a Federal license or permit activity in the coastal zone is consistent with the management program except in connection with a Coastal Commission permit application if a permit is required.

To ensure that the national interest is adequately protected, where the State's primary management authority over the above activities has been delegated to a local government upon the certification of a local coastal program, the local decision will be automatically reviewed by the Coastal Commission. The Coastal Commission's decision on the appeal, or on the review of a local permit that was not or could not be appealed, will be deemed to be the State's determination of the consistency of the proposed activity with the California Coastal Management Program. Consequently, the Coastal Commission will have the lead role and during its deliberations it will consider the views of local governments with certified local coastal programs for the affected areas.

*The issuance of a permit for an electric transmission line or a thermal power plant by the State Energy Resources Conservation and Development Commission pursuant to Section 30413 of the Coastal Act is considered a Coastal Commission permit for purposes of this section.

(iii) License and Permit Activities Outside of the Coastal Zone.

Outside of the coastal zone (for example, on excluded Federal lands or on uplands beyond the coastal zone boundary), consistency certifications for the above licenses and permits will be required only in cases where the Coastal Commission determines that the activity being licensed or permitted could have a substantial effect on land and water uses in the coastal zone. This determination will be made on a case-by-case basis in the course of the monitoring program described in paragraph (a)(iii). It is not anticipated that many licenses and permits outside of the coastal zone will require certification. At the same time, those that do will probably be of considerable interest to the public because of the potential for substantial impact on the coast. Consequently, consistency certifications for Federal license or permit activities outside of the coastal zone will be processed as much as possible as if they were applications for Coastal Commission permits under the Coastal Act and its implementing regulations to allow for timely public notice and hearings. The local governments having jurisdiction over the area that would be affected by the proposed activity will be invited to participate in the public hearing. Local government representatives will be afforded the opportunity to participate in the Commission's deliberations and to present a determination of the consistency of the proposed activity with the certified local coastal programs for the affected jurisdictions.

(iv) Coastal Commission Objections to Federal License and Permit Activities.

If, in connection with the review of proposed Federal license or permit activities under paragraphs (ii) or (iii), the Coastal Commission determines that a non-Federal applicant's proposed license or permit activity is not consistent with the State's management program as required by Section 307(c)(3)(A) of the CZMA, the Federal agency may not issue the license or permit unless the Secretary of Commerce, on her own initiative or upon appeal by the applicant, finds, after providing an opportunity for comments from the Federal agency involved and from the Coastal Commission, that the activity is consistent with the objectives of the CZMA or is otherwise necessary in the interest of national security. If the Coastal Commission objects to the consistency of a Federal applicant's proposed license or permit activity, and the Federal agency decides to go forward with the activity, the Coastal Commission may use the mediation or judicial review dispute resolution procedures described in paragraph (a)(i). In its draft Section 307 regulations, NOAA has proposed to exclude Federal agencies from the license and permit certification requirements and the appeal provisions of the CZMA. While the Coastal Commission does not fully agree with this position, it will abide by NOAA's decision in the administration of the CCMP for purposes of the CZMP. The Coastal Commission, however, reserves the right to subject Federal agencies to the certification requirement in the event administrative, judicial, or legislative modification should occur.

(c) Federal Licenses and Permits Described in Detail in OCS Plans.

The following Federal agency licenses and permits will be subject to the certification process for consistency with the management program under Section 307(c)(3)(B) of the CZMA if the activity being licensed or permitted is described in detail in an OCS exploration or development plan and affects land or water uses in the coastal zone:

Department of the Interior - U.S. Geological Survey

Approval of offshore drilling operations.

Approval of design plans for the installation of platforms.

Approval of gathering and flow lines.

Any other OCS-related Federal license or permit activities described in paragraph (b)(i) (for example, BLM pipeline rights-of-way on the OCS) which U.S.G.S. determines should be described in detail in OCS plans.

In accordance with the CZMA, Federal license and permit activities described in detail within exploration or development plans for OCS areas adjacent to California waters that have been leased under the Outer Continental Shelf Lands Act, will be subject to certification and State review. This process will assure that Federal license and permit activities described in detail in such plans, and affecting land or water uses in the coastal zone, are consistent with the State's management program. Consistency certifications for OCS plans will be processed as much as possible as if they were applications for coastal permits under the Coastal Act and its implementing regulations to allow for timely public notice and hearings. Local governments having jurisdiction over areas affected by OCS activity will be invited to participate in the public hearing. Local government representatives will be afforded the opportunity to participate in the Coastal Commissions deliberations and to present determinations of the consistency of the proposed OCS activity with the certified local coastal programs for the affected jurisdictions.

If the Coastal Commission determines that one or more of the Federal license or permit activities described in detail in an OCS plan are not consistent with the coastal management program as required by Section 307(c)(3)(B) of the CZMA, Federal agencies may not issue the licenses or permits described in detail in the OCS plan unless the Secretary of Commerce, on her own initiative or upon appeal by the lessee, finds, after providing an opportunity for comments from the Federal agencies involved and the Coastal Commission, that the Federal license or permit activities are consistent with the objectives of the CZMA or are otherwise necessary in the interest of national security.

(d) Federal Assistance Subject to Consistency with the Management Program.

To review State and local government applications for Federal assistance under Federal programs affecting the coastal zone, the Coastal Commission will use the Project Notification and Review System of OMB Circular A-95 authorized under Title IV of the Intergovernmental Coordination Act of 1968 and administered by Regional Clearinghouses and statewide by the Office of Planning and Research.

The scope of Coastal Commission review will be limited to ensuring that the proposed project is consistent with the coastal management program. In the event the Coastal Commission determines that the proposed project is not consistent with the management program, the Coastal Commission will attempt to resolve the inconsistency through negotiation with the applicant. If no resolution is possible, the Commission will forward its determination to the appropriate Federal agency and, as required by Section 307(d) of the CZMA, the Federal agency will not approve the proposed project unless the Secretary of Commerce finds that the project is consistent with the purposes of the CZMA or is in the interest of national security.

C. Incorporation of Federal Air and Water Quality Standards

Although the Coastal Plan recommended that California institute air or water quality standards more restrictive than Federal requirements in certain areas in order to address unique problems, the Coastal Act did not go as far. The Coastal Act does uphold Federal standards as enforced by existing State agencies. Local coastal programs must also incorporate as necessary the air and water quality standards prior to certification. Section 30522 of the Coastal Act states, "Nothing in this chapter shall permit the commission to certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any state regulatory agency." While the Coastal Commission cannot require local governments to incorporate more stringent standards, nothing prohibits the local governments from incorporating more stringent standards into their LCPs; however, these standards will not be applicable until they have been officially approved by the State regulatory agencies pursuant to the provisions of the Federal air and water quality laws. Section 30253(3) requires new development to be consistent with requirements imposed by an air-pollution control district or the State Air Resources Control Board.

The State Water Resources Control Board is recognized as having primary responsibility for the coordination and control of water quality and the administration of water rights pursuant to applicable law. The Coastal Commission is responsible for seeing that proposed development and local coastal programs do not frustrate the State Water Resources Control Board's programs. However, Section 15 of the Coastal Act amended the State Water Code to ensure that water agencies support the Coastal Commission's management program to protect the coastal marine environment. Treatment works within the coastal zone and those outside the coastal zone that serve the coastal zone require a coastal permit determined on siting and visual appearance, geographic limits, and development projections. The Coastal Commission must make the final determination on a permit prior to the time of final approval of the project by the State Water Resources Control Board. (30412)

The State Air Resources Board and local air pollution control districts, having been established pursuant to State law and consistent with Federal law, are the principal public agencies responsible for air quality, emission standards, and air pollution control programs. The Coastal Commission is not to modify air pollution standards set by the Air Resources Board, which, it is expected, will recommend ways that the Coastal Commission can assist in air quality programs. (30414)

CHAPTER 12

FUNDING MANAGEMENT AND ACQUISITION ACTIVITIES

A. Sources of Funds

The California Coastal Management Program has several potential sources of funds for management and acquisition activities:

(1) Up to $5 million may be available annually from the Federal government under Section 306 of the CZMA providing funds for Federally-approved State programs. The Coastal Act provides that 50 percent of the Federal funds must be made available for the preparation and implementation of local coastal programs discussed below.

(2) The State will be eligible for additional funds to address the impacts of coastal energy development under Section 308 of the CZMA.

(3) The California Legislature in 1976 approved AB 400, appropriating $1,476,506 for operation of the Coastal Commission and regional commissions for the first half of 1977. Appropriations from the State General Fund to support the Coastal Commission are expected to be made by the Governor and the Legislature each fiscal year.

(4) AB 400, in addition, was to have provided $31 million for near-city hostels on the coast and for various park and beach acquisitions, but the Governor reduced these appropriations to $1.9 million for hostels and $9.85 million of the acquisitions.

(5) Proposition 2, the State Urban and Coastal Park Bond Act of 1976 (formerly SB 1321), approved by the voters of California in November 1976, provides for $280 million in bonds, of which about $145 million will be applied to coastal acquisition and other activities. This total includes the initial $10 million funding for the new State Coastal Conservancy's acquisition, restoration, and enhancement program; $15 million as the State share of local government purchases to be made on the coast; $10 million to the Fish and Game Department for acquisition of coastal habitat areas; and $110 million to the Parks and Recreation Department for the purchase of coastal parks and beaches. (see Appendix 3, Bond Act of 1976).

(6) AB 2133, also passed in 1976, provides $10 million for the purchase of coastal wetlands.

B. Coastal Act Financial Provisions

The Coastal Act itself made no appropriations for coastal management activities but has several provisions of interest:

(1) The Coastal Act specifies the Coastal Commission is responsible for the management and budgeting of funds appropriated, allocated, granted, or otherwise made available to the Coastal Commission and regional commissions (30340). The Coastal Commission may require, as it did under Proposition 20, reasonable filing fees and reimbursement of expenses in connection with processing development permit applications (30620(c)). (If appropriated by the Legislature, these will provide partial funding for the regulatory activities of the management program.)

(2) Two sections of the Coastal Act concern costs to local governments. The Coastal Act states the Coastal Commission cannot withhold approval of a local coastal program "because of the inability of the local government to financially support or implement any policy or policies" of the Coastal Act, though this does not require approval of a program "allowing development not in conformity with the policies" of the Coastal Act (30516(a)). The Coastal Act also acknowledges "there may be direct planning and administrative costs" imposed on local governments by the legislation and stated "it is the intent of the Legislature that such costs to local government shall be reimbursed by the State." It provides legislatively appropriated funds (and 50 percent of Federal funds available for such purposes) be deposited in a special local government coastal planning assistance account in the State General Fund, that the Coastal Commission review local government claims, and the State Controller consider this report as it reviews claims made by local governments against the account. Funds available under the CZMA cannot be used for reimbursement and, therefore, cannot be deposited in the account. However, CZMA funds can be used to support the development and implementation of local coastal programs if the work to be carried out with the funds is identified in advance and approved by the Department of Commerce as part of California's annual application for a coastal zone management grant. Because the projected availability of Federal funds that can be used for local coastal programs exceeds the estimated cost of developing the programs, the justifiable claims against the account are not expected to be excessive.

In general, the Coastal Commission expects no insurmountable problem in the funding of the preparation of adequate local coastal programs, which will enable the Coastal Commission to certify the programs and transfer much of the implementation of the California Coastal Management Program (including the general development permit authority in the coastal zone) to local governments.

However, much of this assumption is based on the Federal funding available to the State under Section 306 of the CZMA.

CHAPTER 13

CITIZEN AND GOVERNMENT INVOLVEMENT IN THE MANAGEMENT PROGRAM

A. Participation in Program Planning

The history of public participation in the development of the proposed management program extends back to 1970 when the groundwork for what became a citizen initiative, Proposition 20 (the California Coastal Zone Conservation Act of 1972), was started. It took a massive, statewide petition drive to place the initiative on the ballot. Because of that awesome public involvement, the Coastal Commission, in drafting the Coastal Plan and in regulating coastal development from 1973, wanted and was able to get an extremely high degree of continuing citizen interest. As the planning process began dealing in detail with the most serious coastal issues -- for example, offshore petroleum development -- large private interests and government agencies became increasingly involved in the Coastal Commission planning and regulatory activities.

How much involvement was there? When did it occur? How did the Coastal Commission and regional commissions relate the more theoretical planning procedures and the enormous quantity of public input? How were repeated concerns addressed by the Coastal Commission? How could a statewide plan be drafted that was sensitive to regional and local concerns? How could the Coastal Commissions deal seriously with technically, economically, or politically complex material without "losing" the public?

The Coastal Commission and regional commissions did not close the door to participation until the printer's deadline in October 1975--and it was reopened in December when the Coastal Plan came off the press and was sent to the Legislature for its consideration.

Due to the extensive documentation, with respect to local, regional, State, and Federal participation in the development of the Coastal Plan, prepared reports which document this participation are housed at the Coastal Commission and at OCZM. This documentation is available for review and includes the following appendices, which are made a part of this program and the FEIS, by reference, for purposes of meeting the NEPA coordination and consultation requirements: Evolution of a Coastal Plan Policy Through the Public Review Process; Coastal Planning Mailing List; Regional Coastal Commission Plan Element Public Hearings and Meetings; Summary of Public Hearings on the Preliminary Coastal Plan; Meetings on the Preliminary Coastal Plan; State and Regional Agency Involvement in the Coastal Planning Process; Federal Agency Involvement in the Coastal Planning Process; and Correspondence Between Coastal Commission and Federal Officials. This documentation, provided in attachments by reference, contains a list of Federal agencies which the State has worked with in developing the program, the names of the principle contacts, and the principle views of these agencies. This material will be considered, pursuant to Section 307 (15CFR 925.4) prior to approval of the CCMP.

Intensity of Participation

Beginning in 1973 technical experts, representatives of interest groups, property owners, local, State, and Federal agency staff, and interested citizens were encouraged to participate by being provided with preliminary material for review and comment. In some cases, the Coastal Commission and regional commissions learned who these people were through their unsolicited expressions of interest. Most of the time the staff learned of people who should be involved in planning through references in technical literature, mailing lists from professional and interest organizations, or knowing of groups and individuals from past experience. The number of people, groups, and agencies involved in coastal planning grew to almost 10,000. However, the total number of people receiving planning information is close to 20,000.

Through this early and continuing review process, the public and governmental agencies were extensively and intensively involved in the Coastal Plan development as evidenced by several thousand people being given the opportunity to have input into the development of the plan elements long before the elements ever reached public hearings held before the regional commissions.

The regional commission public hearings on the plan element findings and policies represented another major opportunity for public participation in the development of the coastal management program. In all, 259 public hearings were held at the regional commission level on the individual plan elements.

Each of the regional commissions, based on its study and public input, submitted recommended findings and policies to the Coastal Commission. The Coastal Commission prepared draft findings and policies on each of the nine plan elements from the recommendations of the regional commissions and held public hearings on its conclusions. At the public meetings, controversies that could not be resolved at previous meetings were discussed and revisions to material considered. While these meetings were not formal public hearings, general public input was normally allowed.

All of the material adopted individually in the plan elements was subsequently incorporated into the Preliminary Coastal Plan along with mapped information and alternative ideas for implementing the Coastal Plan.

In all, about 6,000 people attended the hearings and almost 8,000 pages of written comments were received. These written comments supplemented the oral presentations that had to be somewhat limited in length because of the large number of people making presentations. In addition, during April, May, and June 1975, the staff and regional commission members from the seven coastal commissions met with numerous groups to explain the provisions, answer questions about, and receive suggestions for improving the Preliminary Coastal Plan.

In the same fashion that the general public participated in the coastal planning process, State and regional agencies were encouraged to review and comment on the technical reports, draft findings and policies, hearing drafts, and tentatively adopted findings and policies of each of the nine plan elements. They were also provided with copies of the Preliminary Coastal Plan to allow for their input into the formulation of the final Coastal Plan.

Much emphasis was placed on participation during the planning phase. Public and government involvement continued when the Coastal Plan went to the Legislature, but necessarily the degree of participation was not as high--partly because of the nature of the legislative process, partly because the activity was confined to the State capital, and partly because of the less predictable and shortened schedule (the original coastal legislation was introduced in Febraury 1976; the Coastal Act and companion legislation emerged in August).

When the original bill, SB 1579, was introduced, the Senate Natural Resources and Wildlife Committee held six hearings and the committee chairperson observed the amount of public participation allowed was probably greater than for any other bill in that session. The Senate Finance Committee held one hearing before failing to pass SB 1579 in June. Because little time remained in the session, the coastal legislation was revived as amendments to a minor bill, SB 1277, that had already passed the Senate. Consequently, most of the hearings on SB 1277 were in the Assembly, with the Resources, Land Use, and Energy Committee conducting three hearings--including two in Los Angeles during a mid-session break.

The majority of letters to legislators concerned the first bill, SB 1579. At each of the 10 hearings, an average of representatives from 20 groups appeared, and a varying number of individuals.

Federal Agency Cooperation in Planning

Federal agencies enjoyed the same opportunity to participate in the Coastal Plan development as did the general public and State, regional, and local agencies. In addition to this regular involvement in the planning process, special efforts were made to keep in close contact with Federal agencies. Wherever possible, Federal studies were incorporated into the background technical material and Federal officials were invited to provide input into the Coastal Plan preparation. Federal involvement was further facilitated by having two Federal employees, William Davoren of the Department of the Interior and David Mowday of the Environmental Protection Agency, work on the Coastal Commission staff. Both worked actively to coordinate the activities of the Coastal Commission and regional commissions and those of Federal agencies in the coastal regulatory process as well as coastal planning.

Clearly, Federal agencies were involved from the very beginning of the coastal planning process, but coordination with Federal officials intensified in 1975 for two reasons: (1) a broadening of Coastal Commission contacts with Federal agencies in response to the draft regulations on Section 307 of the CZMA, and (2) the distribution of the Preliminary Coastal Plan on March 1975. Over 200 copies of the Preliminary Coastal Plan were distributed to various Federal agencies and officials for review and comment. In addition, many meetings were held with Federal agencies to discuss the Preliminary Coastal Plan and explore any questions with reference to various policies. The most important of the meetings was held on May 15, 1975, with the Western Federal Regional Council, Environmental Protection Agency, Department of Housing and Urban Development, General Services Administration, Corps of Engineers, Maritime Administration, Coast Guard, and the Federal Power Commission, and on April 11 and June 11, 1975, with the Western Division Naval Facilities Engineering Command. These meetings generated many valuable ideas that were incorporated into revisions of the Preliminary Coastal Plan. Moreover, an entirely new section entitled "National Interest in the Coast" was prepared to briefly state the national importance of the California coastline, to explain how the national interest was taken into account in the preparation of the Coastal Plan, to set out the process proposed to ensure that the national interest in the coastal zone is considered and provided for in the future, and to outline the relationship of the Coastal Plan to the CZMA. Several revisions to this draft statement were made in response to comments by Federal agencies and additional meetings were held with representatives of the Navy to finally come to mutually acceptable language for the statement. Agreement was reached on September 8, 1975, and the Coastal Commission adopted the final wording on September 17, 1975. As subsequently refined, the national interest statement is included in Chapter 11. Based upon further comments received during the review of the combined Federal revised draft environmental impact statement and CCMP, further revisions were made and approved by the Coastal Commission in July of 1977.

Federal agencies will continue to be requested to provide technical assistance to local governments in the development of their local coastal programs as part of the overall participation process and in accordance with Federal regulations under the CZMA (see Local Coastal Program Manual, Part I.B.4).

B. Concerns Frequently Raised During Planning

During the planning period, the public and government agencies had the opportunity to express their concerns about the proposed coastal management policies. Through public hearings, telephone conversations, and letters to the Coastal Commission the State and regional staffs learned which of the developing plan's topics were of particular interest. Questions involving private property rights and economic impacts on individuals and coastal communities were raised most frequently. In fact, these two concerns were repeatedly linked. For example, where a parcel of agricultural land acted to restrict access to adjacent tidepools, the owner might argue that if the public was allowed coastal access, their activities would diminish the values of both agricultural lands and the tidepools. Consequently the Coastal Act's policies evolved to assure that constitutional, economic, and environmental values were protected in concert with the objectives of a sound coastal management program. The Coastal Plan "Summary and Introduction," which was circulated throughout the State as a separate publication, dealt with those concerns. Subsequently refined to reflect the Coastal Act, the statements addressing private property rights and economic impacts will now be discussed.

Rights of Property Owners

Consistent with the provisions of CZMA Section 303(b) the Coastal Act recognizes fully that ownership and use of private property are fundamental concepts in the law and traditions of the United States. The Constitutions of both the United States and the State of California protect property owners against the taking of their property without just compensation. The Coastal Act cannot violate these Constitutional mandates, and it does not.

The Coastal Act assures the rights of landowners will be protected. It states:

> "The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the regional commission, the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States." (30010)

If coastal property is not purchased by the public for public use or environmental protection, the property owner may put it to other uses consistent with the policies of the Coastal Act. The Coastal Act includes development standards, similar to those in long-established city and county laws, under which new buildings would be designed to protect views to and along the ocean, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and to provide public access to the oceanfront where appropriate.

However the property rights of a landowner are not absolute. Rights can and do change over time, and the rapid urbanization of the United States during the 20th century has led increasingly to restrictions on the use of private property--restrictions held by the courts to be constitutional. For example, the U. S. Supreme Court held 25 years ago that property owners could not create an enforceable agreement requiring racial discrimination in the future sale of their land. For many years, laws have prohibited the use of property in a way that would result in health hazards or noxious effects on the public at large. Local zoning laws have been upheld by the courts since 1926.

The issue is not whether property owners rights could be violated; under Federal and State Constitutions they could not be. The issue, at least in many places, is that property owners' expectations may be affected. When people buy land, they often expect a certainty of financial return greater than when they buy securities or make other investments. Because they may live on the land and farm it, because they pay property taxes on it, and because of the recent rapid rise in land values in many areas, many people expect to make money by holding or using land, and they believe they deserve to be compensated if their expectations are not realized. Under the Coastal Act, as under many Constitutional land use laws, people can use their land in a variety of ways, but in some cases not as fully or intensively as they might like.

Just as the California Constitution protects private property rights, it also protects rights of public access. The State Constitution, adopted in 1879, provides in Article XV, Section 2, that:

> "The People Shall Always Have Access to Navigable Waters. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof."

In summary, the Coastal Act will not take away landowners' rights. In some cases, it may change a landowner's expectations, but there are many factors other than the Coastal Act that can influence future land values--for example, the value of land for second-home subdivisions depends, in part at least, on the price and availability of gasoline for driving to distant areas. Thus, there can be many reasons for financial success as well as financial reverses in the ownership of land, as in the ownership of securities or any other investment. Although no compensation for loss of expectations is legally required, perhaps there should be a public policy debate as to its desirability. At the very least, however, it could be difficult indeed to correctly measure declines in value, and to fairly assess the many factors that might be responsible. There is, yet, no tradition of public responsibility for guaranteeing the success of private investments in land or in anything else.

Economic Impacts of Coastal Development Regulations

Based on the recognition that protecting California's coast is essential for the State's long-term economic well-being and, in application of CZMA Section 303(b), the Coastal Act calls for economically sound measures: well-planned, orderly development to curb the wasteful use of land; vigorous protection of the coastal resources that are the basis of the multi-million dollar coastal tourist industry and the thousands of jobs it provides; and similar protection for coastal farm lands, timberlands, and ocean fisheries--all of which provide jobs and income for Californians.

Economic activity along the coast is affected by many factors of which the Coastal Act is only one. Interest rates, population growth, unsold or under used buildings, and the availability of energy are all factors that will affect building activity along the coast. The coastal economy, and indeed, the State's economy, may also be affected in less obvious ways. For example, there is an economic loss when low-quality,sprawling development is allowed to overrun land suitable for much better development. There is an effect on the consumer's food bill when prime agricultural land is converted to other uses--followed by efforts to achieve comparable production on less valuable land through energy-intensive applications of irrigation water and fertilizer. The past misuse of California's coastal resources has caused unmeasured but real economic losses.

The gradual, fragmented degradation of natural resources has not usually been recognized as a major economic loss. Rather, attention has been concentrated on short-term economic benefits: when a marsh was filled, attention was given to the jobs created by new construction, and a resulting increase in the local tax base. Similarly, building houses on prime farmland has usually been seen as economically beneficial. But there is increasing evidence of long-term losses that may not be so visible. Filling marshes, bays, and estuaries, which are essential nursery grounds for many species of fish and wildfowl, can gradually decrease the ocean fisheries--and the jobs and income, together with food supply, that ocean fishing provides. There may well be serious long-term consequences from the increasing loss of prime agricultural land--effects not only on food prices but on the ability of this Nation to help feed the world's growing population, and to export food in return for petroleum, metal ores, and other products from abroad.

The Coastal Act recognizes, in short, that protection of coastal resources is essential to a sound economic future for California. While it may not be possible to determine precisely the dollar value of a day of recreation or inspiration provided by ocean beaches, parks, bluffs, and trails, there are clear dollar values attributable to the coastal visitor economy. The Coastal Act seeks to increase public access to the oceanfront in appropriate areas; to provide tourist accommodations from campgrounds to hotels, resorts, and meeting centers; and to give preference to these public activities over private housing in suitable coastal areas. If Californians were to allow the coast to be further degraded, ocean views to be blocked by poorly-designed buildings, and access to beaches restricted, they would be risking the future of one of the most important economic assets of the State--coastal tourism.

Security Pacific Bank, in its 1975 Coastal Zone Economic Study, wrote,

> "tourism is a vital economic base industry, i.e., its income accrues from sales to people from outside the State, and it brings in 'new dollars.' Some of its benefits include the direct and indirect support of a multi-industry infrastructure, the employment of many relatively unskilled workers, and the taxes paid by the tourist...Tourists make relatively small demands on a region's public services (police and fire protection, street maintenance, etc.) and yet they contribute heavily toward providing employment and income and in reducing the tax burden of local residents."

"The Costs of Sprawl," a study made in 1974 by Real Estate Research Corporation for the Federal government, showed that well-planned, concentrated development means savings to the public of between 5 and 33 percent when compared with wasteful, land-consuming development. The savings are in the costs of roads, sewer and water lines, etc., and also in travel time for residents, the need for services such as schools and fire stations, etc. Of increasing importance, well planned developments can save greatly on energy. The Coastal Act seeks not to stop growth and development, but to direct new construction primarily into the rebuilding and upgrading of already-developed areas where additional development can be accommodated. The issue is not whether there should be new development, but where.

Thousands of jobs and millions of dollars in annual crop production depend on the unique combination of California's coastal soils and climate. Protecting California's agricultural lands is not only a coastal issue; it is obviously a problem of statewide concern. But the Coastal Act seeks to maintain the long-term productivity of coastal farmlands, grazing lands, and timberlands for their long-term economic value. Similarly,the Coastal Act seeks to protect ocean fishing, both commercial fishing and sport fishing. The Coastal Act, therefore, seeks to protect the coastal estuaries and wetlands essential to California's ocean fishery, and to protect coastal water quality. The economic values are clear: the Security Pacific Study noted that in 1972, the most recent year for which detailed figures are available, California landings and shipments of commercial fish were valued at $162.5 million. The study added that,

> "the real value of commercial fishing to the State and regional economies of California in terms of primary, secondary, and tertiary income and employment is difficult to assess. In most cases, these values are probably understated. California fishermen range many miles from their home ports in search of their catch--from Alaska on the north to South America on the south--and in many instances, they market their catch at the nearest suitable port in order to shorten their turn-around time. Consequently, California's official published valuation figures are understated in that they include neither the value of the fishing catches, the profits, nor the wages, resulting from deliveries to non-California ports. There is a positive effect, however, in that these monies are brought back to California and introduced into the State and regional economies as export or 'new' dollars."

The Coastal Act recognizes that some future coastal sites may be needed for new or expanded power plants, that new port terminals may be needed for larger petroleum tankers, and that offshore petroleum production may be required as part of a national energy conservation and development program. The Coastal Act provides standards by which necessary energy installations may be accommodated, consistent with the protection of coastal economic and environmental resources.

The Coastal Act seeks to protect the coastal streams that deliver sand to ocean beaches; beach erosion costs property owners and government bodies several million dollars every year for building groins, jetties, and other erosion-combatting structures, and for importing sand. The Coastal Act also seeks to maintain and enhance coastal air quality; air pollution causes millions of dollars annually in crop damage and inestimable damage to human health.

C. Continuing Public and Government Involvement

The success of the Coastal Commission and regional commissions efforts to involve the public and government agencies in the planning process on virtually a continual basis from 1973 until now was recognized when coastal legislation was finally passed. In the Coastal Act the Legislature found "there has been extensive participation by other government agencies, private interests, and the general public." (30002(a))

This extensive public involvement is required to continue under the new Coastal Act--and therefore in most aspects of implementing the coastal management program. The Coastal Act states:

> "The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development: that achievement of sound coastal conservation and development is dependent upon public understanding and support, and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation." (30339)

The Coastal Act enumerates specific measures required to achieve these goals:

> "The commission and each regional commission shall:
> (a) Ensure full and adequate participation by all interested groups and the public at large in the commissions's and each regional commission's work program.
> (b) Ensure that timely and complete notice of commission and regional commission meetings and public hearings is disseminated to all interested groups and the public at large.
> (c) Advise all interested groups and the public at large as to effective ways of participating in commission and regional commission proceedings.
> (d) Recommend to any local government preparing or implementing a local coastal program and to any state agency that is carrying out duties or responsibilities pursuant to the provisions of this division, and additional measures to assure open consideration and more effective public participation in such programs or activities." (30339)

The Coastal Act does not limit this public and agency involvement requirement to the Coastal Commission. The chapter on ports requires public participation in the port master planning process; and Section 30500 (c) provides that: "The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the commission and an appropriate regional commission, and with full public participation."

Finally, the Coastal Act provides:

> "During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special district, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission." (30503)

The Coastal Commission will have on its staff a professional experienced in working with the general public who will be assigned the responsibility of ensuring these requirements are met. Beyond this specific effort, the Coastal Commission's planning and regulatory activities will continue to be oriented around a process that encourages the maximum of public involvement.

The calendar of management activities in Section A of Chapter 14 indicates the frequency with which the Coastal Commission and regional commissions, local governments, port authorities, and others have to schedule public hearings. In short, it is not only hoped but it is legislatively mandated that the public be allowed to continue its very active role in implementing the management program. A more thorough description on public participation in future program development and implementation can be found in the Coastal Commission regulations and Local Coastal Programs Manual.

CHAPTER 14

CONTINUING DEVELOPMENT OF THE COASTAL MANAGEMENT PROGRAM

The management program for the California coast established by the Coastal Act and other legislation outlines processes by which the general goals of coastal management are to be realized and requires particular management activities to be completed by specific dates.

Since coastal management is an evolutionary rather than a static process, the coastal policies are designed to be responsive to new issues. The program accordingly provides the mechanisms that will allow a coordinated but flexible management process involving both government agencies and the public at large.

A. Schedule of Coastal Management Activities

This section is basically a calendar that should aid in understanding how the various parts of the management program--for example, the Coastal Commission's development permit function, the preparation of local coastal programs and port master plans, coordination between the Coastal Commission and various State agencies on particular aspects of the management program--fit together. This schedule notes the dates certain Coastal Act requirements will be completed as part of the program. In many instances, the policies call for the transfer of Coastal Commission functions to appropriate State, regional, and local agencies. This will include active involvement by the public through numerous required public hearings that will become part of the schedule.

1977

January 1	Effective date of the California Coastal Act of 1976 (SB 1277, as amended by AB 2948 and AB 400).
	Effective date of AB 400 (coastal funding), AB 3544 (State Coastal Conservancy), and Proposition 2 (the $280 million park bond issue approved by the electorate in the November 2, 1976, general election).
January 2	Ports may notify Coastal Commission of completed master plans.
	Last day for State and regional coastal commissions to be appointed.
January 11	Last day for regional commissions to be formally established.
January 30	Last day for the Coastal Commission to prepare interim coastal development permit and claim of exemption procedures.
No date	Public hearing on local coastal program procedures.
No date	Public hearing on urban exclusion(s), with Coastal Commission action sometime thereafter.
No date	Public hearing on categorical development exemptions, with Coastal Commission action sometime thereafter.
February 2	First day of possible port district hearing on port master plan.
No date	Coastal Commission public hearing on port district boundaries and related wetland/recreation area maps.
April 1	Last day for the Coastal Commission to adopt procedures for local coastal program preparation, submission certification, appeal, and amendment.
	Last day for the Coastal Commission to adopt port district boundary and wetland/recreation area maps.
April 2	Last day Coastal Commission may act on a port master plan that was submitted January 2. Time limit for Coastal Commission action is 90 days; otherwise the master plan is deemed certified.

April 30	Last day for the Coastal Commission to adopt regulations for the timing of its review of proposed treatment works.
May 1	Last day for the regional commissions to adopt local coastal program processing schedules.
	Last day for Coastal Commission to adopt permanent development permit procedures.
May 30	Last day on which a regional commission must begin reviewing a developed through 1976 pilot project for the local coastal program to qualify for the Section 30521 accelerated schedule.
July 1	Last day a local government may request the Coastal Commission to prepare its local coastal program.
	Last day for the Coastal Commission to identify special treatment areas for submission to the Board of Forestry.
No date	Public hearing by Coastal Commission on sensitive coastal resource areas.
September 1	Last day for the Coastal Commission to designate sensitive coastal resource areas for submission to the Legislature.
No date	Public hearing by the Coastal Commission on coastal energy facility locations.

1978

January 1	Final day for the Coastal Commission to designate unacceptable coastal energy facility locations for submission to the State Energy Commission.
January 2	First annual report from Department of Parks and Recreation concerning public accessways required by Division 21 of the Public Resources Code (State Coastal Conservancy).
No date	Public hearing(s) by each local government submitting a local coastal program to the Coastal Commission for certification. Such hearing(s) must be held on the aspect(s) of the local program that have not been publicly heard within the last four years.
July 1	First day on which local coastal program (other than one evolving out of a pilot project) may be submitted for review to the appropriate regional commission.
	Last day for Director of the Office of Planning and Research to publish the first report on coastal management agency duplication and conflicts. Thereafter, the report may be published at his discretion.
	Last day for presentation to the Legislature of the mandated joint Coastal Commission-BCDC report on their future relationships.
	Effective this day, at least 50 percent of CZMA funds received by California will be deposited in a local government coastal planning assistance fund for use in developing and implementing the local coastal programs.
No date	Public hearing by the Coastal Commission on interim coastal development permit appeal procedures.
August 1	Last day for the Coastal Commission to adopt public notice and appeal procedures for interim coastal development permit applications.
October 31	Last day for local governments to submit claims to the State Controller for State-mandated local costs incurred in fiscal year 1977.

1979

January 1	Commission must submit first biannual report on coastal program implementation to the Governor and Legislature.
	Last day for the Departments of Parks and Recreation and Fish and Game to make recommendations concerning establishment of resource protection zones to the Coastal Commission.
June 30	Last day on which regional commissions may exist.
September 1	Last day for the Legislature to approve of a Coastal Commission designated sensitive coastal resource area.

1980

January 1	Last day on which local coastal programs may be submitted to the Coastal Commission for review.
	First biannual update of the Coastal Commission designation of unacceptable coastal energy facility locations.
January 2	First triannual report by the State Coastal Conservancy to the Governor and Legislature is due.
July 1	Last day for Coastal Commission prepared local coastal programs to be completed.
December 1	Last day for Coastal Commission prepared local coastal programs to be certified.

1981

January 1	Coastal Commission may preempt certain local government jurisdictions in the coastal zone if required implementing devices are not in place. At least every five years after certification of a local coastal program, the Coastal Commission is required to review it.

B. Management Coordination

Inherent in the Coastal Act is the objective of maintaining a strong State/local interrelationship and to improve intrastate agency and program coordination. In addition, the California Coastal Management Program refines and integrates decision-making with Federal agencies, consistent with Federal requirements.

C. State Program Administration

The Coastal Commission bears the principal responsibility for the administration of coastal management in California. Its functions in this program element include:

(1) Administration of local coastal program development grants.
(2) Review and approval of local coastal programs (see below).
(3) Coordination of local program development with other State and Federal planning and operational programs.
(4) Facilitation of public involvement in coastal management program refinement and application.
(5) Administration of special contracts and interagency agreements for program implementation and refinement.
(6) Review, coordination, and involvement of Federal agencies in implementing Section 307 of the CZMA (see below).

(7) Assessment of management program effectiveness, and legislative liaison for management program refinement and conflict resolution.
(8) Development of regulations, procedures, and recommended legislative amendments to effectuate program implementation.
(9) Review of regulations developed to implement recent CZMA amendments and administration of regulations when officially promulgated.
(10) Coordination with other coastal States including participation in and administration of interstate coastal organizations.
(11) Facilitation of public involvement in coastal management through a program of public information disseminations and public awareness development.

Administration of a program for the intrastate allocation of funds available through the Coastal Energy Impact Program (CEIP) under Section 308 of the CZMA, including determination of the consistency with the California Coastal Management Program of CEIP supported planning, public facilities and services, and environmental and recreational loss mitigation efforts.

D. State Regulatory Program

The Coastal Commission continues to regulate development along the coast through its regional commissions until local coastal programs are certified. After certification, issues of statewide significance will be appealable to the Coastal Commission, as would regional commission decisions in the interim. Federally supported activities in this program element include:

(1) State coastal agency appeals program.
(2) Regional commission permit program.
(3) Local government administration of local coastal programs after State certification.
(4) Legal defense of coastal regulatory program.
(5) Coordination of the State coastal regulatory program.
(6) Enforcement of coastal management regulations and decisions, including inspection of coastal development and monitoring of coastal activities.

E. State Program Refinement

The State coastal program represents the general policy goals and objectives of California. These have to be refined for application to specific areas along the coast and to assist local governments in the preparation of the local coastal programs. Activities in this program element include:

(1) Subregional planning which would develop carrying capacity data to be used in program refinement and local coastal program development.
(2) Collaborative planning which would coordinate the efforts of all affected interests whenever two or more jurisdictions would be involved in the regulation of a single coastal area.
(3) Special area planning which would focus on developing specific area plans and other detailed management programs for areas of particular environmental concern.
(4) General program refinement which would monitor regulatory and planning decisions to generate more specific guidelines for the application of the coastal management program to specific coastal areas.
(5) Data collection, activity monitoring, and program analysis which would develop necessary revisions to the management program over time.
(6) Coastal water planning which would relate this ongoing management program activity to efforts by other agencies in the fields of fisheries management, navigation, marine recreation, OCS production, etc.
(7) Special studies mandated by the Coastal Act or any subsequent amendments to the Coastal Act including, the designation of sensitive resource areas, the determination of sites inappropriate for power plant siting, and the development of procedures for review of waste treatment facilities.

F. Local Coastal Program Development

Local plans will be brought into conformity with the State management program over a two-year period. In order to accomplish this, the following activities are necessary:

(1) Local coastal program development to be carried out primarily by local jurisdictions.
(2) Coastal Commission assistance in local coastal program development in the form of program interpretation, supplementary planning activities, and coordination with other planning.
(3) Administration of local coastal program certification including regional commission approval, Coastal Commission approval, public involvement, etc.
(4) Resource data collection to apply State management principles to specific location conditions.

G. State Coordination

Coordinating the management program refinement, local coastal program development, and program implementation with the activities of other State agencies involve the following:

(1) Facilitating the involvement of State agencies in providing technical and policy input into the development of local coastal programs.
(2) Monitoring the activities of State agencies to determine their consistency with the State and local coastal management programs.
(3) Utilizing the capacities of State agencies in providing information needed in the coastal regulatory process.
(4) Ensuring that the principles of sound coastal management are reflected in the planning and operational activities of other State agencies.
(5) Coordinating the development of a unified State position on activities subject to the Federal consistency provisions in Section 307 of the CZMA.
(6) Coordination of planning and projects eligible for funding under Section 308 of the CZMA with State supported planning and projects.

H. Federal Coordination

Coordinating the management program refinement and implementation with Federal agency decision-making involves the following activities:

(1) Monitoring Federal agency activities and applications for Federal agency approvals.
(2) Administration of Coastal Commission Federal consistency procedures for the implementation of Section 307 of the CZMA.
(3) Involving Federal agencies in the development of local coastal programs and the refinement of the State management program.
(4) Reviewing and commenting on Federal activities or applications for Federal permits not subject to 307 requirements.
(5) Coordination of other Federally supported planning activities with coastal planning.
(6) Legal and technical research for a case-by-case application of Federal consistency provisions.
(7) Coordination of planning and projects eligible for funding under Section 308 of the CZMA with other Federally supported and sponsored planning and projects.

I. San Francisco Bay Management Program

San Francisco Bay is a segment of the California Coastal Management Program administered separately by BCDC. Activities in this program element include:

(1) Development of proposals for integrating the management program for the Bay into the overall California Coastal Management Program.
(2) Development of regional public access and recreation plans to provide more specific guidelines for the location and development of future shoreline public access and recreation areas.
(3) Development of "special area plans" for specific shoreline and water areas within BCDC's jurisdiction.
(4) Increased surveillance and enforcement capability to monitor compliances with the now numerous outstanding BCDC permits and to prevent violations of the BCDC law.

J. Energy Planning and Energy Impact Management

The Coastal Commission will continue its energy planning, which has most recently concentrated on planning for the impacts of petroleum exploration and development on the outer Continental Shelf (OCS), as discussed in Chapter 9. The 1976 amendments to the CZMA which established the Coastal Energy Impact Program, California's activities in managing energy development and its impacts will expand to include:

(1) Collection and analysis of data to determine the location and size of OCS petroleum deposits.
(2) Evaluation of plans for the exploration, development, and production of OCS lands to determine their consistency with the California Coastal Management Program.
(3) Planning for the onshore impact of OCS development.
(4) Coordination of CZMA funded energy studies with other energy projects.
(5) Administration of energy impact planning funds available under Sections 308(b) and 308(b)(4)(b) of the CZMA and the planning for energy facilities impacting the coastal zone.
(6) Assistance in the determination of public facilities and public services needed as the result of coastal dependent energy activities that would be eligible for Federal financial support under Sections 308(d)(1) and (2) and 308(b)(4)(b) of the CZMA.
(7) Assistance in the determination of unavoidable environmental and recreational losses resulting from coastal dependent energy development, and in the determination of appropriate actions to prevent, reduce, or ameliorate such losses eligible for Federal financial support under Sections 308(b)(4)(C) and 308(d)(3)(D) of the CZMA.

PART III

PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

The intent of the CZMA is to promote the wise use of the Nation's coasts. The CZMA encourages States to achieve this goal through better coordination of government actions, explicit recognition of long-term implications of development decisions,and the institution of a more rational decision-making process in concert with the overall CZMA policies. This process, which could affect much of the future activity in the coastal zone will have a substantial environmental impact.

Both beneficial and adverse environmental and socio-economic effects will result from Federal approval and State implementation of the California Coastal Management Program. The fundamental criterion for assessing these impacts should be the CZMA's declaration of policy "to achieve wise use of land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and aesthetic values as well as to needs for economic development."

Protection of the coastal zone may be viewed as beneficial to the environment and to the public welfare for many reasons, but it also may have adverse socio-economic effects on property owners and would-be property owners whose plans are limited or curbed by the program.

In an attempt to fully understand the impacts associated with Federal approval, it was determined there should be an exploration of the impacts which have resulted from the implementation of Proposition 20 as well as what may happen under the California Coastal Management Program. However, the experience of the Coastal Commission and regional commissions under Proposition 20 is not necessarily guiding as to the impacts that may occur under the proposed California Coastal Management Program. This EIS is based on a comprehensive program which will be implemented over many years. It is impossible to assess discrete impacts that may occur over time, but a few points can be made. There are safeguards built into the coastal management program system because both the CZMA and the Coastal Act require the intent of the National Environmental Policy Act (NEPA) be met. Resource inventories, designation of boundaries, permissible uses, areas of particular concern, areas to be preserved or restored, and consideration of alternatives are all a part of the overall process associated with managing coastal resources in the State of California. Additionally, almost all major actions (i.e., urban exclusion, local coastal plan adoption, permits) associated with the California Coastal Management Program come under the scrutiny of either NEPA or the California Environmental Quality Act requirements. So, while actions will be studied for compliance on an individual basis, the overall purpose of this EIS is to determine if implementation of the California Coastal Management Program process can reasonably meet the objectives the State has set forth and further the aims of the broader national CZMA and NEPA goals.

A. Impacts Directly Resulting from Federal Approval

Impacts associated with the Federal approval of the California Coastal Management Program fall into two categories: (1) impacts due to a direct increase of funds and funding options to the State and local governments, and (2) impacts from the implementation of the CZMA.

Although the Coastal Act could be implemented as a State coastal management program separate from CZMA, Federal approval offers several advantages to the State and allows a more comprehensive program.

1. Program Funding

Federal approval will permit the OCZM to award program administrative grants (Section 306) to California. This will allow increased employment of specialists such as planners, scientists, permit review and enforcement officials at both the State and local government levels. The effect will be to raise the professional level of resource management decision-making in the coastal zone. Section 306 grants will be used to help administer and enforce the State and local implementation programs, and for continual improvement of those programs. Funds will allow more detailed studies related to the human and natural environments which will increase the quality of the information base from which coastal zone management decisions will be made. An increase in the staff will speed the permit review and appeals system and provide better enforcement of the program regulations, and thus help meet the CZMA objective of more coordinated governmental action.

Under Section 306 of the CZMA, California would be eligible for funds approximating the order of $3 to $5 million annually to carry out the management program.

Under the provisions of Section 16 of the Coastal Act, 50 percent of the Federal funds available to the Coastal Commission would be used for the development and implementation of local coastal programs, to allow for the transfer of the primary coastal regulatory authority form the State to local governments. The Office of Planning and Research has estimated that about $3.4 million would be required over three years to complete local coastal program preparation. As local coastal programs are certified, the regional commissions will be phased out and an increasing portion of Federal assistance would be made available to local governments to assist them in carrying out the regulatory function of the State's coastal management program.

California has described the types of activities and functions California would like to carry out with Section 306 funds in Part II, Chapter 14.

Section 308 Coastal Energy Impact Funds and Formula Grants could amount to substantial financial aid in ameliorating the impacts associated with offshore oil and gas production. While Section 306 program approval is not a prerequisite for Section 308 funding eligibility, active program participation is. Additional funding for interstate coordination, beach and island preservation and access, research, and training will also be available.

2. Implementation of the CZMA

Federal Consistency Provisions. Federal approval and State implementation of California's Coastal Management Program will have implications for Federal agency actions. Approval of the State's program will lead to activation of the Federal consistency provisions of the CZMA (Section 307(c) and (d)). These provisions and the manner in which California intends to implement them are described in Part II, Chapter 11 B.

The overall purpose of the Federal consistency provisions is to provide for closer cooperation and coordination among Federal, State, and local government agencies involved in coastal related activities and management. This is considered to be a desirable impact and is one of the principal objectives of the CZMA.

The California Coastal Management Program has evolved with the considerable assistance and input of numerous Federal agencies with responsibility for activities in or affecting the coastal zone. (See Chapter 13 for details of this coordination.) Because of this opportunity for coordination during the program planning stage, it is not anticipated that many conflicts will arise during implementation of the California Coastal Management Program between the State's substantive policies and Federally licensed or conducted activities. No activities of relevant Federal agencies are excluded from locating in the coastal zone although these activities may have to meet environmentally protective policies to obtain coastal sites and/or be located outside the coastal zone if adverse environmental effects cannot be sufficiently mitigated.

OCZM has received some comments from energy companies expressing concern that OCS and OCS-related development may be "vetoed" by California during the exercise of Federal consistency. California's policies on oil and gas development (e.g., Sections 30260, 30262, 30263, Coastal Act), which would form an important basis of a consistency determination, are not so restrictive as to preclude all OCS development or related on-shore development. To the extent that California's policies on oil and gas development require additional environmental protective measures be taken, this would carry out the intent of Congress in amending the CZMA in 1976 (P.L. 94-370) to give coastal states a greater role in OCS development.

Certain safeguards are built into Section 307 of the CZMA to prevent unreasonable use of Federal consistency provisions to block activities which are necessary in the national interest, for national security, or are otherwise consistent with the CZMA. These are discussed in Chapter 11 and below.

When Federal agencies are undertaking activities including development projects directly affecting the State's coastal zone, they must notify the State of the proposed action and the parties will then have an opportunity to consult with one another in order to ensure that the proposed action not only meets Federal requirements but is also consistent, to the maximum extent practicable, with the State's management program. In the event of a serious disagreement between the State and a Federal agency, either party may seek Secretarial mediation services to assist in resolving the disagreement. By virtue of the availability of early Federal-State consultation and the mediation services of Secretary of Commerce, the potential for conflict resolution is enhanced. These procedures will provide all parties with an opportunity to balance environmental concerns along with other National, State and local interests.

In cases where the State judges that proposed Federal license, permit or assistance activities affecting its coastal zone are inconsistent with the State's coastal program, the Federal agency will be required to deny approval for the activities. State objections must be based upon the substantive requirements of the management program which include consideration for issues such as air and water quality protection, prevention of shoreline erosion, protection of valuable wetlands and other environmentally related objectives. Accordingly, State objections will often result in preservation of the environmental quality of coastal resources. On the other hand, State objections may require Federally regulated and assisted projects to locate in alternative sites thereby causing adverse impacts in non-coastal areas.

In certain instances, a State objection to a proposed Federally licensed or assisted activity may be set aside by the Secretary of Commerce if the proposed activity is consistent with the objectives of the CZMA or is in the interest of National security. In the former case, the Secretary must find that (1) the activity will not cause an adverse impact on the coastal zone sufficient to outweigh its contribution to the National interest, (2) there is no reasonable alternative available which would permit the activity to be conducted in a manner consistent with the management program, and (3) that the proposed activity will not violate requirements of the Federal Water Pollution Control Act or the Clean Air Act. Accordingly, even if State objections are set aside by the Secretary, the override will be dependent upon consideration of environmental protection needs. This procedure conforms with NEPA's objective for incorporating environmental values in Federal agency decision-making.

Where the State determines that a proposed Federally regulated or assisted project is consistent with the requirements of the management program, the Federal agency may approve the project and the result is that the project will be in conformance with the State's management program requirements including those related to environmental protection. Notwithstanding State approval for the project, the Federal agency is not required to approve the license, permit or assistance application. The proposed project may still require Federal Government disapproval based upon NEPA, Endangered Species Act, Fish and Wildlife Coordination Act, or other overriding national interest grounds when Federal criteria are more stringent than the State's management program requirements. Accordingly, as between Federal and State environmental requirements for the coastal zone, the more stringent ones would apply, thereby fulfilling NEPA's objectives to administer Federal programs in a manner which enhances the quality of the environment.

National Interest.

Federal approval of a State's program will also signify the State has an acceptable procedure to insure the adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature. Such facilities involve energy production and transmission; recreation; interstate transportation; production of food and fiber; preservation of life and property; national defense; historic, cultural, aesthetic, and conservation values; and mineral resources to the extent they are dependent on or relate to the coastal zone.

This policy requirement of the CZMA is intended to assure that national concerns over facility siting are expressed and dealt with in the development and implementation of State coastal management programs. The requirement should not be construed as compelling the States to propose a program which accommodates certain types of facilities, but to assure that such national concerns are not arbitrarily excluded or unreasonably restricted in the management program.

The provisions might have two impacts. Frist, it will prohibit a State from arbitrarily or categorically prohibiting or excluding any use or activity dependent on the coastal zone. In the absence of a comprehensive program such considerations might simply be ignored by oversight or default. This requirement will insure they are specifically considered. On the other hand, the existence of a consultative procedure should lead to the more deliberate and less fragmented decision-making concerning siting of facilities in the coastal zone.

B. Impacts of Proposition 20 Implementation

1. General

The California Coastal Zone Conservation Act of 1972 (Proposition 20) declared the following policy which was to guide the Coastal Commission and regional commissions in preparing the Coastal Plan and their permit decisions on coastal development while a permanent coastal program was being developed:

> "The people of the State of California hereby find and declare that the California coastal zone is a distinct and valuable natural resource belonging to all the people and existing as a delicately balanced ecosystem; that the permanent protection of the remaining natural and scenic resources of the coastal zone is a paramount concern to present and future residents of the state and nation; that in order to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to preserve the ecological balance of the coastal zone and prevent its further deterioration and destruction; that it is the policy of the State to preserve, protect, and, where possible, to restore the resources of the coastal zone for enjoyment of the current and succeeding generations..." (Section 27001)

Proposition 20 extablished an interim permit process designed to regulate "development" as defined in the Coastal Act. The permit process allowed the commissions to accept, condition, or deny permits based on the objectives of the Coastal Act. An affirmative two-thirds vote of the total authorized membership of the Coastal Commission or regional commission if on appeal, was required for approval of the following activities:

> "(a) Dredging, filling, or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon.
> (b) Any development which would reduce the size of any beach or other area usable for public recreation.
> (c) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches and the mean high tideline where there is no beach.
> (d) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast.
> (e) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential commercial and sport fisheries, or agricultural uses of land which are existing on the effective date of this division." (Section 27401)

In addition, the regional commissions had to find that development would not have any substantial adverse environmental or ecological effect, and that development was consistent with the declarations above and with the following objectives:

> "(a) The maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.
> (b) The continued existence of optimum populations of all species of living organisms.
> (c) The orderly, balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
> (d) Avoidance of irreversible and irretrievable commitments of coastal zone resources." (Section 27302)

With some notable exceptions, the Coastal Act objectives are similar to those of Proposition 20. In order to evaluate the impacts that may result as a consequence of Coastal Act implementation, a review of the previous experience of the Coastal Commission and regional commissions will be helpful as a guide. This is not to say the impacts would be the same. The Coastal Act policies are more specific,and the social and economic needs of the people of the State are to be taken into account in order to assure orderly balanced utilization as well as conservation of coastal zone resources. The management program will rely mostly on local governments once the local coastal programs have been approved. The focus should be on the State policies, criteria, and regulations, since they will be used to determine acceptability of local programs.

2. Results of Proposition 20 Implementation

The Opinion of Others. Any evaluation of Proposition 20 must be subjective as well as objective. A review of the articles published in newspapers, journals, and other documents shows the existence of a wide variety of views (see Reference 8). Some suggest the Proposition 20 process was costly to the economy of the State with very little beneficial results. They look to the beaches and see them still littered. Others disagree and feel the Coastal Commission and regional commissions have done a very good job during the Proposition 20 period. They point to successes in increased public access and provision of low-income housing in Santa Monica, Venice, and Redondo Beach. Proposition 20 has prevented some development in natural hazard areas and set higher standards for water and other environmental quality controls. Proposition 20 has minimized the development of prime agricultural lands until further studies could be conducted to determine the impacts associated with the loss of these lands. Because the results are not easily quantified, and may not show up immediately, it would be difficult to look only at specific data to interpret whether the implementation of Proposition 20 was successful or not.

It is important to remember that the regulatory authorities of the Coastal Commission and regional commissions were designed for an interim period "to ensure that development which occurs in the permit area during the study and planning period will be consistent with the objectives" of Proposition 20. The Coastal Commission and regional commissions did not have authority to allocate development in any positive way but had to react to development proposals. Their function was to preserve planning options and to maximize the objectives of Proposition 20 through permits.

Once local government agencies can guide development according to their general plans consistent with the Coastal Act, it can be assumed the impacts of program implementation will be more definable. This holds true for State and Federal agency development proposals as well.

In an effort to determine people's perception of how well the Coastal Commissions were performing interviews were conducted midway through the Proposition 20 period. (A summary of the interviews is provided to give the reader another perspective of public opinion, see Reference 1.)

The Planning Process. Proposition 20 required the Coastal Commission and regional commissions "to prepare, based upon such study reference to coastal zone and in full consultations with an affected governmental agency, private interests, and the general public, a comprehensive, coordinated, enforceable plan for the orderly, long-range conservation and management of the natural resources of the coastal zone." The Coastal Plan was the product of that effort and subsequently, the Coastal Act was the final product of the legislative deliberations of the Coastal Plan.

The institutional mechanisms created by Proposition 20 permitted special purpose planning to occur in the process of developing the Coastal Plan, which sought a "balance" between conservation and development. One such effort of the San Diego Coastal regional commission resulted in the adoption of guidelines for bluff-top development.[1] Bluff-tops cover nearly two-thirds of the ocean shoreline in that region. Residential development blocked both physical and visual access to the shoreline, caused erosion, which created hazards and modified the natural configuration of the bluff face. These guidelines reconciled the needs for development and the need to preserve the natural values of the bluffs. Both the developers of bluff-top private property and the general public were able to benefit. With regard to future impacts of the program, an appropriate institutional setting will now be available to handle such problems during the local planning and program development period. The Statewide and regional perspective will be integrated into local coastal programs with the guidance provided by the Coastal Act and the Coastal Commission and regional commissions. After this integration has taken place, authority will once again rest with local governments.

3. The Permit Process

There will be many differences between the Coastal Commission's regulatory activities under Proposition 20 and those under the Coastal Act which is based largely on the Coastal Plan. Proposition 20 required a permit process and the development of a comprehensive plan for the coast. The permit process involved the Coastal Commission and regional commissions in diverse issues, where decisions were based on a general interpretation of the Proposition 20 mandate, rather than the more specific and comprehensive policies of a plan for the coast. In a report presented to the Legislature by the legislative analyst, he stated:

> "The plan is not the same as Proposition 20. Its explicit extension into social, housing, energy, agricultural, esthetic and transportation policies associated with coastal conservation and development means that the experience under Proposition 20 of reviewing individual permits for projects cannot be assumed as a guide to the impact of the plan. The plan, for example, contains social and economic goals with respect to housing and the type of employment available along the coast line. It is much more comprehensive than a series of individual project permits."[2]

However, the experience gained by the Coastal Commission through the permit process was very valuable in confronting these issues on a broader basis in their very important role in preparing the Coastal Plan.

During their four years of existence, the regional commissions processed almost 25,000 permits. The figures reported through the regional commissions follow:

North Coast (Del Norte, Humbolt, and Mendocino Counties)	1,555
North Central Coast (Sonoma, Marin, and San Francisco Counties)	850
Central Coast (San Mateo, Santa Cruz, and Monterey Counties)	3,050
South Central Coast (San Luis Obispo, Santa Barbara, and Ventura Co.)	3,500
South Coast (Los Angeles and Orange Counties)	11,700
San Diego Coast (San Diego County)	4,170

Approximately 97 percent of the proposed projects received permits. Many of those permits were conditioned by the regional commissions to help meet the objectives of Proposition 20. The Coastal Commission received an average of 305 appeals a year. Of 655 appeals processed by the Coastal Commission as of January 1, 1976, 222 (34 percent) permits were granted, 122 (19 percent) were granted with conditions, and 311 (47 percent) were denied. The number of permits denied each year declined from 58 percent in 1973 to 39 percent in 1975 while the share of permits granted and those granted with conditions rose from 42 percent in 1973 to 61 percent in 1975.

The Coastal Commission's rate of permit denials was much higher than that of the regional commissions because of the following: (1) The Coastal Commission was confronted with a more serious and formal adversary process than any of the regional commissions; (2) the mass of routine actions that seemed to permit approval were sifted out by the regional bodies and never reached the Coastal Commission; (3) proposals that had been denied at the regional level came for review to the State level where the likelihood of denial in support of the prior action was very great; and (4) in cases approved in the regions, the appeals process brought to the State level the most difficult and potentially intrusive developments proposed for the coastal zone.[3]

Several independent studies have been conducted on the activities of the Coastal Commission and regional commissions with respect to permit decisions. These studies will be incorporated into this EIS by reference. Since they are lengthy, only a summary of the findings will be made. References are provided at the end of this section. These studies were conducted on a sample survey basis and/or for a specific geographic area and do not necessarily reflect an overall accurate assessment. Some of the findings of various studies on the Proposition 20 permit experience include the following:

- The Coastal Commission usually upheld regional commission permit denials but also denied permits after a regional commission had granted them or put additional conditions on permits granted.
- Damage to the natural ecology of the coastal environment was a major issue in relatively few permit decisions. The record of the Coastal Commission and regional commissions in protecting natural environments is quite good.
- Almost two-thirds of the applications were concerned with residential development. Others in descending order of magnitude, were commercial, public utilities, recreation, and industrial permits.
- Delays and mitigation measures have been costly to some, particularly large-scale, multi-unit developers and utility companies.
- The price of developed property and subdivided lots generally rose during the Proposition 20 period and usually fell in large tracts of vacant land.
- Most of the permits were evenly distributed throughout the permit area. Recreation and industry were the two largest use categories for permits approved from the mean high tide seaward. Single- and multi-family residences accounted for over half of all permits within 50 yards shoreward of mean high tide.

- The permit process brings a range of coastal problems into public discussion:

  Cumulative impacts on land use,
  Consistency with existing development,
  Foreclosing planning options,
  Public access and recreation,
  Aesthetics and facility design,
  Transportation,
  Concern about foreclosing planning options,
  Geologic hazards,
  Preservation of agricultural lands or open space,
  Water quality,
  Sewage/septic tanks,
  Economic hardship on applicant,
  Habitat protection,
  Air quality,
  Economic development and jobs,
  Respect local control or other State or Federal agencies,
  Subdivision conditions,
  Government services, fiscal impact tax rate,
  Property rights/government regulation,
  Minimize sprawl,
  Preservation of unique coastal communities.

Reference 6 contains a sample list of conditioned permits and reasons for permit denials.

The substance of many of the permit conditions flow from the language of Proposition 20. Others are derived from the Proposition's general injunction to the Coastal Commission for "preservation, protection, restoration, and enhancement" of the coastal zone. The general intent of a conditioned permit is to enable development, while imposing on the development the values implicit or explicit in Proposition 20.

Denied permits are meant to stop development, but many of the permits which are denied leave the message for the developer to return with a more suitable proposal.

References on Proposition 20 include:

Healy, Robert G., "Saving California's Coast. The Coastal Zone Initiative and its Aftermath," Coastal Zone Management Journal, vol., no. 4, 1974, 365-394.

Rosentraub, Mark S. and Robert Warren, "Information Utilization and Self-Evaluation Capacities for Coastal Zone Management Agencies," Coastal Zone Management Journal, vol. 2, no. 3, 1976, 193-222.

Sabatier, Paul A., "Regulating Development Along the California Coast," Journal of Soil and Water Conservation, July-August 1976, 146-151.

Mogulof, Melvin B., "Saving the Coast-California's Experiment in Intergovernmental Land Use Control," The Urban Institute, Lexington Books, Lex., Mass., 1975.

Sabatier, Paul A., "State Review of Local Land-Use Decisions: The California Coastal Commissions," Coastal Zone Management Journal, vol. 3, no. 3, 1977.

C. Impacts of the California Coastal Management Program

This impact assessment is based on the assumption that the California Coastal Management Program will achieve the objectives which have been identified in Part II, Chapter 3. The nature of the Federal action analyzed is one of Federal support for a State program in which, the Nation benefits from the State's efforts to manage its coastal resources in a manner consistent with the national objectives of the CZMA.

The California coastal management effort began prior to the passage of the CZMA and will continue even if Federal approval is not received. However, Federal funding support and the Federal consistency provisions of the CZMA will materially aid the implementation and administration of the program, as discussed previously. Additionally, some of the requirements of the CZMA have affected the overall development of the California Coastal Management Program as the State has attempted to qualify for Federal financial assistance. One example is the incorporation of the "national interest statement" into the California Coastal Management Program (see Part II, Chapter 11).

Because of its comprehensive nature, coastal management must address public needs as well as natural resources and economic considerations. The California Coastal Management Program policies include public access needs, recreation requirements, and development interests as well as the marine environment and land resources. The major purpose of the program is to meet the human needs of present and future generations in a manner that protects, enhances, and restores environmental quality and irreplaceable coastal resources.

During the development of the California Coastal Management Program the impacts of the proposed program were examined. In the development of each of the Coastal Plan elements, the impacts and implications of certain policies and processes were assessed by all affected interests. In addition to participating in the Coastal Commission's planning process, newspapers, banks, industry groups, and environmentalists all expressed their opinions on certain issues by publishing articles.

Special natural resource management studies were conducted in areas like Bodega Harbor. Planning and impact assessments were conducted in places like Half Moon Bay and Marina Del Ray. Numerous other studies and local pilot programs were undertaken to determine both the feasibility of local government implementation of the management program and the impacts of this action. Reports were also prepared by the legislative analyst of the State of California as directed by Senate Resolution 41 (1975-76 Session), to determine generally the "costs, economic effects, and benefits" of the Coastal Plan. Since many of the policies of the Coastal Act are based on the recommendations of the Coastal Plan (see Reference 7 for the relationship between Coastal Plan and policies of the Coastal Act), these studies will be useful in helping to assess the general impact of the California Coastal Management Program.

In order to fully understand the impacts of this program, it is important to have an understanding of the environment in which it is going to be implemented. Perhaps no study can do justice to the extensive, outstanding resources and social environment to be found within the 1,072 miles of coastline in California. The coastal zone is a tremendously varied place containing, for example, major population centers and small coastal villages, ports and industrial areas, agriculture and timber lands, nuclear power plants and oil refineries, and a wide range of recreational opportunities. In addition, diversity can be found in the landforms and physical processes that characterize the California coast. The best source of information which not only describes the coastal environment but the problems associated with this area and on which policy development was based, is in the Coastal Plan. The "Findings" in Part II are extremely informative (pages 26-176) and the "Regional Summaries" in Part IV (pages 200-273) describe the regional and subregional environments in a detailed fashion. While the coastal zone boundary has changed from the recommendations made in the Coastal Plan, the information is still very relevant for describing the environment.

Section 30200 of the Coastal Act lays the foundation for interpreting what the overall impacts of the program should be.

> "Consistent with the basic goals set forth in Section 30001.5, and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section 30500), the permissibility of proposed developments subject to the provisions of this division are determined. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved."

The basic goals referred to in Section 30001.5 are:

> "(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
>
> (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
>
> (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
>
> (d) Assure priority for coastal-dependent development over other development on the coast.
>
> (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone."

The full implementation of the policies as they are used to meet the goals will not necessarily avoid past conflicts which have occurred over the use of coastal resources. The Legislature recognized that:

> "conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division, such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies." (Sec. 30007.5)

Priority is therefore given to the protection of "significant coastal resources" as defined by the Coastal Act, subsequent interpretation by the Coastal Commission and local governments through their local coastal programs, and by the public through the review and appeals process.

1. Socio-Economic Impacts

Based on a study of the potential impacts of coastal management programs conducted by the Real Estate Research Corporation,[4] benefits of coastal management will accrue to people living and working within the coastal zone area as well as to people throughout the State and Nation. These benefits will be of various kinds and will occur in different ways and degrees. The following major categories of beneficiaries can be identified: owners of property directly affected by implementation decisions, neighboring property owners, owners of businesses whose productivity or market attractiveness would be enhanced by the California Coastal Management Program policies, government at all levels, and the general public.

This study also concludes that benefits of coastal zone management will be the positive changes which occur in the nature, scale, distribution, and pace of elements such as the following: production (including manufacturing, agriculture, mining, fishing), utility services and costs, business sales, employment opportunities, population and the labor force, housing demand and supply, construction, financing and investment, property values, government costs and revenues, educational and recreational opportunities, and aesthetics.

Planning and managing the coastal zones of the United States consists of the use of foresight in cooperatively determining how to both preserve valuable natural resources and accommodate the needs of an expanding population and economy. To achieve this balance involves trade offs which include some short-run positive and negative effects. Long-run benefits from enhanced productivity of renewable resources -- fisheries, agriculture, forests -- would also be realized.

Potential economic benefits of the coastal zone policies have the following attributes:

- They can be "one time only" or "recurring,"
- They can cause net increases in economic activity or merely shift benefits among individuals or groups,
- Costs may be incurred in their attainment -- such as, expenditures for shoreline restoration or pollution control, and
- Secondary "spin-off" effects may be felt -- both positive and negative, depending on the nature of the policies and the economic activities affected.

The following list of benefits of coastal zone planning and management is similar to the benefits of most State and local planning activities:

- Reduced cost of new development,
- Reduced cost of transportation,
- Better preservation of natural environment,
- Better preservation of existing buildings,
- Less pollution,
- Less congestion,
- Higher quality development,
- Better utilization of sunk investments,
- Better fit of supply and demand,
- Greater awareness of needs and opportunities,
- Less uncertainty regarding future potentials, and
- Improved possibilities for effective actions based on understanding and consensus regarding goals.

Potential economic benefits can include increased productivity, higher sales, more jobs, greater demand for facilities and services, increased property values, lower taxes, reduced or stabilized consumer prices, and heightened satisfaction with one's physical environment. Prudent coastal zone planning, therefore, results in a balance between conservation of irreplaceable natural resources and the needs -- job creation, housing, recreation, and shopping -- of an expanding economy. While some coastal zone actions result in net gains or net losses for the local economy, in most instances the short-term effects of the program cause a redistribution of assets.

Some lost expectations will undoubtedly be encountered, but gains elsewhere should offset these losses. In those cases where regulations would actually result in a legally-determined taking, the regulations would be declared void or compensation paid. Reduced property taxes could help offset severe losses. Planning stabilizes erratic "swings" in expectations because it results in less uncertainty in future prospects of land investment. While there may be short-term lags as the economy adjusts to changes induced by the California Coastal Management Program, long-run benefits are likely to balance or exceed costs. For example, some industrial plants may not be built in the coastal zone, in part because environmental protection regulations may make them too costly. They would yield an inadequate rate of return on equity when compared to alternative opportunities. However, that same development proposal may be equally unattractive outside the coastal zone. Moreover, lower financing costs or improved marketing outlook could result in a decision to ultimately go ahead with a deferred project despite the costs of complying with coastal zone regulation. These same regulations will result in heightened opportunities in coastal dependent economic activities--tourism, recreation, agriculture, fisheries, and forestry.

a. Property values

Assessed valuation of land along the coast has continued to increase at a rate well above that of the inland portions of coastal counties. From 1970 to 1974, local tax bases for coastal communities increased 40 percent while inland areas grew by 26 percent. Table A summarizes these trends on a county basis.

The Real Estate Research Corporation report states the following with respect to property values:

The key determinants of land values include:

- Natural site characteristics and environment,
- Man-made site characteristics and environment,
- Community image,
- Demand for particular land uses,
- Access,
- Utilities,
- Public facilities and services,
- Taxes, and
- Land use and development regulations.

TABLE A

ASSESSED VALUATION OF LAND IN THE COASTAL ZONE

COUNTY	PLANNING AREA IN THE COASTAL COUNTIES (1970)	(1974)	(%+/-)	BALANCE OF THE COASTAL COUNTIES AREA (1970)	(1974)	(%+/-)
Del Norte	29,600,000	76,600,000	158.8	10,836,000	29,355,000	171
Humboldt	183,200,000	296,000,000	61.6	80,800,000	118,896,000	47
Mendocino	35,100,000	55,800,000	59.0	119,376,000	198,760,000	66
Sonoma	8,000,000	12,600,000	57.5	518,993,000	816,635,000	57
Marin	45,100,000	69,000,000	53.0	481,893,000	901,665,000	87
San Francisco	836,000,000	952,000,000	13.9	1,465,660,000	1,671,721,000	14
San Mateo	551,000,000	795,000,000	44.3	1,352,798,000	1,799,265,000	33
Santa Cruz	307,000,000	462,000,000	50.5	37,116,000	60,856,000	64
Monterey	363,000,000	528,000,000	45.5	308,066,000	469,525,000	52
San Luis Obispo	102,000,000	153,000,000	50.0	199,149,000	305,244,000	53
Santa Barbara	438,000,000	530,000,000	21.0	261,543,000	361,973,000	38
Ventura	451,000,000	625,000,000	38.6	676,760,000	876,129,000	29
Los Angeles	4,909,000,000	6,053,000,000	23.3	14,737,577,000	17,216,976,000	17
Orange	1,617,000,000	2,693,000,000	66.5	2,492,997,000	3,618,074,000	45
San Diego	1,940,000,000	3,251,000,000	61.6	1,093,551,000	1,789,217,000	64
TOTAL COASTAL COUNTIES	$11,815,000,000	$16,552,000,000	+40.1	$23,945,197,000	$30,234,291,000	+26

Source: Security Pacific Bank, Research Department

In general, about 55 percent of land value is attributable to government action, with the balance resulting from the actions of the property owner, his or her neighbors, and the general public. Governments influence land values through use or design regulations, improving access, providing public facilities and services, preserving favorable "images," and through its tax rates and policies. Table B shows the different types of government action that impact property values, and their relative importance in determining the overall net effect of coastal zone regulations on land value. Restricting land use options will lower land values of subject properties, but will also transfer any unsatisfied demand to other competitive sites not subject to use restrictions. Regulations requiring mitigation of adverse environmental impacts result in higher development costs but also result in more attractive, desirable sites. Improved access and public facility provision generally impact positively on land values; however, access improvements can have such negative effects as increased noise and air pollution, or reduced privacy.

TABLE B

IMPACT OF GOVERNMENT ACTION ON PROPERTY VALUES

Type of Action	Impact on Values of Subject Property	Impact on Values of Neighboring or Competitive Properties	Net Effect on Property Values	Relative Importance of Specific Actions in Determining Impacts
Restrictions on land use	Value declines	Value rises	Redistributional	Very important
Developer required to make improvements or pay fees	Value declines	Value rises	Slightly negative	Unimportant compared to other public actions
Resource amenities protected or restored by government action	Value rises	Value rises	Slightly positive to very positive	Very important
Shore access by the public maximized and protected	Value declines	Value rises	Slightly negative	Less important than use restrictions or amenity protection
Concentrating development in existing communities	If still undeveloped, value declines; if already improved, value rises	Value rises	Positive	Very important
Providing infrastructure, public facilities, and services	Value rises	Values unchanged	Positive	Important
Tax reduction or deferral for regulated, restricted, or encouraged uses of coastal properties	Value rises	Values unchanged	Slightly positive	Less important than use restrictions or amenity protection

Source: Real Estate Research Corporation.

The California Coastal Management Program will be implemented through government action resulting in a loss in development potential (and hence lower profit expectations) for some sites -- presently unserviced rural lands, prime agricultural and wooded acreage, areas with development hazards, and parcels with scenic, historic, or ecological significance. Recreation and other water dependent uses will be given priority over urban development along the waterfront. If a market for more intense use exists, the affected parcel will lose value. In a normal market, the demand for more intense use will be transferred elsewhere; this is encouraged by program policies fostering more compact development in already built-up communities. These cities and villages contain numerous sites previously "passed over" as development spread. The overall net effect of the program on land values will ultimately be positive because of better management, improved amenity protection, and reduced uncertainty about future governmental policies.

The impacts on housing and property values will vary throughout parts of the coast. In coastal communities where there is still significant amounts of developable land both outside the coastal boundary or within the urban exclusion areas, there may not be much affect especially if the land seaward of the coastal highway has already been built up. In those communities where the major part of the developable land lies in the coastal boundary and that land surrounds a significant coastal resource like an estuary or wetland, then the supply of homes in that area may be curtailed and the costs of the surrounding homes will increase because their property will be deemed more valuable or the environmental constraints required to build a house may increase the price beyond what was once normal expectations. Some homeowners will be impacted more than others, especially if their home may be closer to a visual resource and they want to build-out or make modifications which affect the visual view, then they may be subject to more stringent constraints than say a homeowner in the periphery.

When local governments revise their present general plans to reflect the policies of the Coastal Act, the zoning ordinances, maps, and other implementing actions must be consistent with the program or the local coastal element. This may require down-zoning in some instances which will cause a reduction in land values, affecting the assessed valuation and resulting in a decline in the tax base. The extent of the impact in each county and city will have to be weighed against increases in allowable development in other areas. This will be determined on an individual basis either through the local coastal program development process or the environmental impact report that is required with the submission of the local coastal program to the Coastal Commission (see Attachment A, Local Coastal Program Manual, Chapter II, Part E).

b. Property Rights

The individual right of a property owner is one of the most sensitive issues with respect to the management of resources, whether the management is accomplished through coastal zone programs, State land use plans, or local government regulation of development. Concern has been expressed about property regulation during the Proposition 20 experience, and this concern will undoubtedly continue in the future. It has been said while people hesitated to take legal action over property right disputes under the temporary Proposition 20 period; this type of litigation in the future will increase since the Coastal Act is permanent.

The State's position on this issue is contained in Part II, Chapter 13. The Coastal Act prohibits the taking or damaging of private property unless there is payment or just compensation. The State under the California Coastal Management Program will be better able to protect private property rights than was the case under Proposition 20. The Coastal Act requires that decisions affecting the use or conservation of coastal resources also take into account the social and economic needs of the people. Although the latter considerations were not clearly mandated by Proposition 20 they were considered by the Coastal Commission and incorporated into the Coastal Plan. In addition, the State is now in a better position to acquire land to meet the purposes of the policies of the Coastal Act through the Coastal Conservancy Act and the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976.

c. Economic Development

The most comprehensive attempt to assess the economic impact of the Coastal Plan was completed by the Office of the Legislative Analyst in April, 1976. The report, Review of the California Coastal Plan, looked at both the direct fiscal impacts of the Coastal Plan on the State budget (e.g., cost of administering the permit process and additional coastal planning) and at the expected impact on residential and commercial development. The conclusions were expressed in general terms and no effort to quantify future impacts was attempted. The failure to produce a specific dollar estimate resulted from the fact that the benefits of coastal management, which the report calls "significant," cannot be responsibly or meaningfully quantified.

Robert F. Rooney, a noted resource economist, concludes his article, "An Economic View of Coastal Plan," (Cry California, Spring 1976) with the following statement:

> "When its quantifiable and qualitative implications are considered, it is plain that the plan will contribute greatly to the future strength of California's economy, protect both the living and nonliving resources of the coastal zone from unwise exploitation, and help significantly to improve the quality of life for all citizens of the state."

The management program's impact on employment and other business investments will vary for major industry sectors.

Investment and employment potential in agriculture, fisheries, tourism, and commerical recreation facilities will be enhanced through incentives and regulatory policies. The long-range viability and security of these industries in the coastal area will be protected and encouraged, but the costs of doing business in the coastal zone may go up for some industries which must purchase more expensive sites and allow for public access and environmental protection standards. This added investment stimulates other businesses, but it might also make certain business development or expansion programs financially questionable. Some industries may therefore choose not to locate in the coastal zone as a result of higher costs, but others will be drawn there because of the attractiveness of the physical setting. Coastal dependent industries will benefit as perhaps they have not done before from the priority siting they are given under the Coastal Act. The trend in many areas has been for high-rise buildings to displace smaller coastal dependent industries, such as fisheries, or to have development occur on sites which may later be needed by facilities that depend on shoreline access.

Table C summarizes various types of economic development impacts likely to occur for different sectors. Although California consumers may have to bear slightly higher costs for goods and services -- because of higher land costs (due to reduced availability of development sites) and greater production costs (because of regulations requiring greater on-site amenities and environmental protection devices) -- they will eventually benefit from stabilized productivity for agricultural produce and seafood.

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS
OF SELECTED COASTAL ACT POLICY ACTIONS
(continued)

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects			
		Employment (non-construction)	Construction Activity	Other Business Investment/Profitability	Benefits/Costs to the Consumer
Provide a variety of recreation opportunities near metropolitan areas (30212.5)	Recreation; housing and urban development	Positive	Positive	Positive	Minimize travel distance to recreation; lessen congestion of coastal facilities
Require new residential development to provide on-site recreation (30252(b))	Housing and urban development; recreation	Nominal	Positive	Increases investment; may reduce profitability	May increase housing costs borne by the ultimate consumer; greater amenity benefits; less crowding of public facilities
Foster recreational boating; improve access to marinas (30224, 30210, 30212)	Recreation and tourism	Slightly positive	Positive	Positive (investment in boats, equipment, etc.)	Satisfy public demand for boating
Maintain prime agriculture through stabilization of urban/rural boundaries, zoning, easements, public acquisition, limitations or subdivision (30241, 30242, 30250(a))	Agriculture; housing and urban development	Slightly negative in that agriculture may be less labor intensive than urban uses	Negative	Positive re: agricultural productivity	More plentiful food resources at stable prices
Prohibit mining in fragile, valuable or highly scenic natural environments (30233(a)(b), (30240(a))	Mining; recreation and tourism	Negative	Nominal	Negative	Protect areas for public use; higher cost and less availability of mineral resources

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS OF SELECTED COASTAL ACT POLICY ACTIONS

(continued)

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects: Employment (non-construction)	Potential Economic Effects: Construction Activity	Potential Economic Effects: Other Business Investment/Profitability	Benefits/Costs to the Consumer
Restrict thermal discharges and other forms of water pollution (Sec. 15, 30263(4))	Commercial and industrial development; energy development, recreation and tourism	Nominal	Nominal	Increased investment in pollution controls; reduced profitability. More productive marine industries	Higher prices for manufactured goods; protected marine resources
Give commercial recreation uses priority over other private development (30222, 30220, 30224)	Recreation and tourism; housing and urban development	Positive or negative, depending on whether other potential uses would be more labor intensive	Positive or negative, depending on whether other potential uses would entail larger construction outlay than recreation	Positive or negative, depending on whether other potential uses are more profitable	Preserve public access to recreational amenities of the coast
Protect the visual quality of natural, historic, or open areas, and the coastal viewshed (30251)	Recreation and tourism	Nominal	Slightly positive	Increased investment in site design, planning, and maintenance; development may be less profitable	Protect tourist enjoyment of visual resources
Encourage lower cost tourist facilities over exclusively expensive facilities (30213)	Recreation and tourism	Positive, but not to the same extent as more luxurious development	Positive, but not to the same extent as more luxurious development	Positive, but not as profitable as more luxurious development. Tax and other incentives a positive inducement.	Maintenance of access to coastal resources for citizens of all income groups
Evaluate public recreation potential and future demand before permitting other uses of oceanfront land (30221, 30220)	Recreation and tourism; housing and urban development	Positive or negative, depending on whether other potential uses would be more labor intensive	Positive or negative, depending on whether other potential uses would entail larger construction outlay than recreation	Positive or negative, depending on whether other potential uses are more profitable	Preserve public access to recreational amenities of the coast

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS OF SELECTED COASTAL ACT POLICY ACTIONS

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects: Employment (non-construction)	Construction Activity	Other Business Investment/Profitability	Benefits/Costs to the Consumer
Designate use of remaining agricultural parcels within highly developed areas (30241)	Agriculture; housing and urban development	Depends on use designated - probably positive	Depends on use designated - probably positive	Depends on use designated - probably positive	Highest and best use of site
Restrict conversion of productive timberlands (30243)	Forestry; housing and urban development	Depends on labor intensity of alternate use	Negative	Positive re: timber productivity	Greater availability and lower cost of wood products
Protect scenic qualities of timberland (30243)	Recreation and tourism; forestry	Nominal	Nominal	Slightly negative due to higher operating costs for lumber industry	Preserve opportunities for hiking, trails, etc.; slightly higher costs for wood products
Protect water quality from adverse effects of logging (30243)	Forestry; recreation and tourism	Nominal	Nominal	Slightly negative - higher operating costs	Higher cost of wood products
Allow for conversion of non-prime agriculture and forest sites where continued use is infeasible or to promote conservation of more productive sites (30242)	Agriculture; forestry; housing and urban development	Positive	Positive	Positive	More efficient use of land resources
Upgrade commercial fishing facilities (30233, 30234)	Commercial fishing	Positive	Slightly positive	Positive	More plentiful fish supplies at lower costs
Maintain healthy populations of marine organisms (30231)	Commercial fishing	Positive	Nominal	Positive	More plentiful fish supplies at lower costs
Upgrade marine, estuary, and wetland environments (30230)	Recreation and tourism; commercial fishing	Slightly positive	Nominal	Slightly positive	Increased opportunities for sport fishing and commercial fishing
Regulate diking, filling and dredging in other coastal waters (30233, 30607.1, 30233(b))	Recreation and tourism, commercial fishing	Nominal	Slightly negative	Nominal	Preservation of natural environment

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS OF SELECTED COASTAL ACT POLICY ACTIONS (continued)

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects: Employment (non-construction)	Potential Economic Effects: Construction Activity	Potential Economic Effects: Other Business Investment/Profitability	Benefits/Costs to the Consumer
Concentrate development in already built-up areas; regulate expansion of utilities and transportation; set criteria for subdivision of rural land (30250, 30242, 30254)	Housing and urban development; transportation; agriculture; energy development; commercial and industrial development	Employment opportunities would be transferred to other locations in the coastal zone	Less activity in presently rural areas will be offset by greater opportunities in already built-up areas	Somewhat reduced opportunities for firms supplying materials for or designing infrastructure extensions; increased opportunities for others	Preserve present open spaces for recreation use and productive agriculture (thus lowering food prices); lower costs of infrastructure
Establish priority of coastal dependent development over other uses (30255)	Recreation and tourism; housing and urban development; commercial and industrial development; commercial fishing	Depends on labor intensity of alternate uses - could be positive or negative	Probably slightly negative, as coastal-dependent uses will not require as much construction as other uses	Will increase investment, although perhaps not as intense or profitable as non-coastal dependent uses	Preserve coastal land and water resources for those uses which need them most
Protect and enhance special coastal communities (30253(5))	Housing and urban development	Slightly positive	Slightly positive	Positive	Greater security and value of homes
Prohibit or restrict development in hazardous areas (geologic and flooding) (30253(1) and (2))	Housing and urban development; commercial and industrial development	Nominal net effect; jobs would be created elsewhere	Nominal net effect; housing demand would be accommodated elsewhere	Nominal net effect	Minimize risk and insurance costs
Allow mining elsewhere in the coast only if there is no long-term adverse effects or coastal resources (30233(6))	Mining	Slightly negative	Nominal	Positive -- investment in buffers and site restoration	Higher cost of mineral resources

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS
OF SELECTED COASTAL ACT POLICY ACTIONS
(continued)

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects: Employment (non-construction)	Potential Economic Effects: Construction Activity	Potential Economic Effects: Other Business Investment/Profitability	Benefits/ Costs to the Consumer
Regulate signs to encourage visual quality of the coast (30251)	Commerce and industry	Nominal	Nominal	Reduced opportunities in the sign industry, perhaps offset by other forms of advertising	More attractive shopping and driving environments
Require sufficient on-site parking (30252(4))	Housing and urban development; commercial and industrial development	Nominal	Positive	Increases investment; may reduce profitability	Higher housing costs; benefit of parking convenience, less road congestion
Limit substantial alterations of the shore for recreation purposes (30235, 30255)	Recreation and tourism	Nominal net effect	Slightly negative	Slightly negative	Preserve amenities in their natural state

Source: Real Estate Research Corporation, "Business Prospects Under Coastal Zone Management A Report Prepared For The Office of Coastal Zone Management. March 1976.

Note: This Chart was originally Exhibit 3 of the reference Report. It has been modified to reflect the Coastal Act where once the Coastal Plan Policies were annotated. Several policies of the Coastal Plan which were not included in the Coastal Act have been deleted.

Note: Numbers in parenthesis refer to policies listed in the California Coastal Act.

1) Construction and Manufacturing Industries

The construction industry will suffer from reduced private sector opportunities and in lessened public facility development in some areas along the shoreline. Coastal controls will not be the exclusive cause for a slowdown in development but will certainly be the major contributor within specific geographic resource areas. The industry will gain from public investment in housing rehabilitation, provision for on-site recreation, higher quality design and amenity requirements, and more intense use of urban parcels. The "ups" and "downs" in the construction industry, however, cannot be totally attributed to coastal zone management since it is only one element in market forces.

Manufacturing is a major source of income for wage and salary workers in both the State and California's coastal area. Manufacturing accounted for more than one of every four dollars paid in wages in the coastal counties in 1972, a total of $11.3 billion, and the total personal income in the coastal counties from manufacturing in the same year amounted to $13.1 billion. Los Angeles is the State's leading manufacturing county and the center for California's major industrial complex. The largest infusion of new capital expenditure for permanent additions, major alterations, and new machinery and equipment occurred in Los Angeles county, outstripping not only the other coastal counties but the 43 inland counties, as well. The Southern Coast Region, including Los Angeles and Orange counties has the most industrial activity, followed by San Diego county and then the Central Coast Region.

There are several policies which may impact the manufacturing industries and subsequently employment as well. The implementation of the program over the next several years could mean that some new manufacturing industries that are not coastal-dependent facilities must be sited further inland and not near the more accessible waterfront areas. This could increase the costs of transportation for those industries whereas before they were in a more competitive market for those waterfront sites. Additionally, there have been concerns raised over whether or not the policies are so stringent that there will be difficulties in the location of energy facilities and that there will be continued energy supply customers. Experience has shown that where shortages occur, there are usually layoffs and the whole socio-economic environment is affected. While it is never easy to site large-scale energy facilities anywhere anymore, the process and policies described in the coastal management program do not envisage a moratorium on the siting of facilities although they will be precluded from specific sites in accordance with 30413(b).

2) Commercial Fishing and Recreational Boating

The California Coastal Management Program will protect and enhance the California commercial fishing industry and encourage recreational boating. The commercial fisheries have received high priority use designation under the Coastal Act which ensures that the landside support facilities in harbor areas will not be lost to non-water-dependent land uses. The estuaries and offshore water of the coastal zone produce about 850 million pounds of fish with a catch valued at approximately $170 million. Not only does the program support the commercial fisheries by protecting their harbor facilities, but it also protects the waters and habitat necessary to support the fisheries. The continued discharge of wastes into coastal waters and the alteration of estuaries and wetlands, which the program seeks to prevent, would mean a significant loss of jobs and income for the State.

The recreational boating industry and partakers of this water sport will also benefit from the Coastal Act policies even though their location is not to interfere with the needs of the commercial fishing industry. The policy on recreational boating (30223) encourages a number of methods which can be used to increase recreational boating use. Because of the increased demand in this activity, it is expected that there will be increased demands in new marinas and support facilities. The program encourages the maximization of use of existing facilities with as few adverse environmental impacts as possible, and where feasible, the development of new facilities will restore some of the wetlands which have previously been degraded. These policies are not expected to adversely affect the economic interests of the boating industry although it can be assumed that there will be added costs to marina developers and ultimately the marina user.

3) Tourism/Recreation

The California Coastal Management Program seeks to protect tourism. California attracts millions of visitors each year who frequent the State's public and commercial recreational facilities. As in agriculture and ocean fishing, thousands of jobs and millions of dollars in income owe their existence to the protection of coastal resources which is one of the major reasons for California's policies on recreation to make sure that California remains a drawing card to vacationers. The southern California Visitor Council estimated that nearly 8.5 million out-of-state U. S. visitors to the 10 county southern California area spent almost $2 billion in that region in 1973. The direct beneficiaries of these tourist dollars are establishments engaged in the sale of food and beverages, hotels, and motels (which provide between 5,000 and 8,000 direct full-time jobs), theaters, sports and other recreational business, automobile services, professional and personal services, and clothing. In addition, the U. S. Department of Commerce estimates that 7.2 percent of domestic tourist spending ends up in taxes (Federal, State, and local).

A recent national study showed that sport fishing in California's marine waters annually produce $114 million in gross expenditures and $10 million in wages. The State's public recreation facilities are heavily used by tourist and resident alike. For instance, during the 1973 to 1974 fiscal year, the parks and recreational facilities owned and operated by the State in the 15 coastal counties were visited by over 32 million people, amounting to 74 percent of the visitor attendance at all State owned and operated facilities.

Coastal Act policies like 30222 and 30223 will continue to encourage the further development of recreation and tourism in the coastal zone to perhaps the disadvantage of private, residential, general industrial, and general commercial development.

The policies on shoreline access, recreation and visitor-serving facilities protect the rights of the public to enjoy access to the coastal environment now and in the future and increases the opportunities for recreation which has been identified as an important social goal in California. Increased access and recreation may be especially important during drought years when the traditional inland recreation bodies of water are not accessible for use. It is expected that many inland recreationists will seek the waters of the coastal zone during these times. Although numerous attempts have been made, it is difficult to quantify the quality experience of a day at the beach or a look at a resource like the Big Sur coastline.

Potential adverse impacts will include increased maintenance and public service costs, and negative impacts on private property holders who prefer exclusive use. There will be additional costs to developers for conveyance of access rights, more parking lots, signs, and temporary construction activities to provide access trails, corridors, etc. New developments, oceanfront subdivisions and subdivisions involving waterways, tidal lands, lakes, or reservoirs in the coastal zone will be affected. The policies may be potentially growth inducing causing impacts on surrounding communities along with numerous other secondary impacts. There will be heavier use impacts on natural resources especially from the line of vegetation to the coastal waters, and, in some cases, the coastal waters and marine organisms even though other policies are provided to mitigate against these environmental impacts.

4) Agriculture

A combination of rich soils and the mild climate along the coast result in high productivity for agriculture. The moderating marine environment extends the effective growing season, provides timing and yield advantages for national markets, and reduces the danger of large-scale crop losses from freezing.

Many crops, including artichokes, avocados, and brussels sprouts, can grow well only in the coastal environment, being dependent on the warm winter temperatures and cool, foggy spring and summer weather that characterizes many coastal locations. Numerous other fruits and vegetables thrive in the special climate and soils that the coast provides. In some areas crops can be harvested several times during the year instead of just once, and the advantage of a coastal location is seen in higher yields per acre, or in higher quality fruit and vegetables. Another important benefit derived from a coastal location is the yield during off-seasons, often supplying national markets when other agricultural areas cannot (e.g. summer lettuce).

The coastal zone produces 98 to 100 percent of all California's artichokes, broccoli, brussels sprouts, celery, and avocados. In addition, well over half of all lima beans, cabbage, cauliflower, cucumbers, lettuce, green onions, spinach, apples, lemons, and strawberries are supplied from coastal counties. Coastal crops of snap beans, cucumbers, tomatoes, and grapefruit yield twice to three times the value per acre of these crops grown inland.

Even for grazing lands, which are less intensive agricultural uses than irrigated croplands, the advantage of a coastal climate can be considerable. Grazing lands in 10 of the 15 coastal counties support at least twice, and in some cases, five times as many animals per acre as the Statewide average.

While the amount of agricultural lands in the coastal zone is not as great under the Coastal Act as what was recommended in the Coastal Plan, there nevertheless remains important agricultural land to be protected under the California Coastal Management Program. A recent study by the Urban Land Institute notes that in California 3.5 million acres of agricultural land are located in the coastal counties, producing 350,000 jobs within five miles of the coast and an annual harvest valued at $500 million. Every two years, an area the size of San Francisco is converted from agricultural use to development--a trend that reduces employment in the farming industry and cuts the value of the yearly harvest by several million dollars. Over the past 29 years more than 862,000 acres of land in the fifteen coastal counties, most of it farmland, have been subdivided creating 1.7 million lots. The California Coastal Management Program would greatly reduce the conversion of prime agricultural land in the coastal zone by rezoning, concentrating growth in already built-up areas and through public action such as purchase and leaseback of farm areas. These policies are important not only for the coast but for the State as a whole because the coastal counties include 13.5 percent of the total existing irrigated agricultural lands in the State and 20 percent of the potential new irrigable lands.

A positive impact of regulation stems from the fact that some of the coastal agricultural lands are not intensive users of water. In times of drought, the food raising capacity of these lands will become increasingly important as the competition for scarce water resources increase. Agricultural lands can guide urban growth, provide open space and wildlife habitats, provide beneficial use of land that is hazardous or inappropriate for other kinds of development, and maintain future land use options.

However, other crops are supplied from groundwater basins. Groundwater extraction has caused two major problems in some areas: (1) an overdrafting of the groundwater basins which has reduced water levels and led to the inland advance of seawater into portions of the upper aquifer system, and (2) there is increased mineralization of groundwater causing a reduction in water quality. Continued agricultural water use will be a major factor in the persistence and increasing severity of these conditions. In areas where this is a problem such as the Oxnard Plain, alternative agricultural water supplies and solutions to existing problems imply higher agricultural water costs and a trend toward production of higher payment capacity crops. It must also be noted that agriculture itself has altered the natural environment of the coastal zone by introducing toxic pesticides and nutrients that can cause the eutrophication of waterways, removing large areas of native vegetative cover and drawing heavily on surface and groundwater supplies. Therefore, the Coastal Act's strong policies to protect agricultural lands may not alleviate some of the other problems associated with agriculture practice.

The problem associated with agricultural land conversion is a Statewide problem and affects the Nation's well-being also. California is a great exporter of agricultural crops and therefore the national interest is affected by the loss of prime agricultural lands.

5) Ports

The major ports located on the coast of California serve import, export, and domestic waterborne commercial needs of California and the Nation. These ports provide, both directly and indirectly, a large proportion of the income of the State and a significant number of jobs on the coast. Estimated total traffic through the California ports within the Commission's planning area has risen from 26.5 million tons in 1970 to 38.2 million tons in 1974, an increase of 44 percent. The value of vessel shipments has grown 178 percent from $3.7 billion in 1970 to $10.4 billion in 1974.

Ports are treated somewhat like local governments in the Coastal Act in that they are required to produce a master plan (Part II, Chapter 8). The policies in the Coastal Act are designed to encourage efficient use of the ports, keep them competitive, protect the natural environment to the maximum extent possible in a high-use area, and give priority of use to the coastal dependent or port-related developments such as the commercial fishing industry. Non-dependent uses are discouraged and are subject to further appeals to the Coastal Commission after the port master plan has been certified. Ports are encouraged to do all they can to minimize or eliminate the necessity for creating new ports in new areas. This will protect coastal resources in non-developed areas. Since one of the legislative interests of the Coastal Act was to ensure that all major ports of California are kept on a competitive basis (see Section 30410(b)), it is not expected that there will be an economic impact or disadvantage to any one port because of these policies. Coastal planning requires no change in the number or location of the established commercial port districts.

While the port policies do not prohibit further expansion or new facilities, it is expected there will be some additional costs for port-related development to meet the environmental criteria and standards set forth in the Coastal Act. However, this is expected to be a short-term impact. The efficiencies required by port planning and development will have many positive impacts over the long-term for the public, the natural environment, and industry.

6) Aquaculture

Another coastal industry protected by the program is aquaculture, particularly the harvesting of giant kelp located along the southern California coast. Kelp has been harvested in California since 1910 and is used in processed form (algin) in the manufacture of pharmaceuticals, textiles; dairy products, adhesives, feed, paper, and rubber. The value of kelp harvest in 1970 was $1 million and once processed the kelp produced $28 million worth of algin. Other forms of aquaculture, such as the farming of oysters, clams, and shrimp, and the development of anadromous fisheries resources including salmon and steelhead trout, are protected by the Coastal Act.

7) Permits and the Economy

The Office of Coastal Zone Management has spoken with representatives of numerous special interests in an attempt to determine their feelings as to the impact the California Coastal Management Program will have on them. The majority stated that they were very pleased with the Coastal Act. They felt it would be beneficial for all Californians. Their major concerns are about the way the law will be interpreted as discussed below. The impacts industry cannot accept are the delays associated with permit approval (especially when numerous permits and appeals take place) and duplication of authorities among State agencies. Unexpected delays are costly. It has been shown that delays may not only frustrate development but hurt industry whose costs have been extraordinary in getting a permit. If the delays can be minimized, many of the representatives stated that the adverse economic impacts normally associated with environmental regulation could be made part of the development process and be made acceptable to industry.

While the avoidance of delay can never by fully guaranteed, provisions of the Coastal Act attempt to streamline the administrative procedures involved in management of the coastal zone.

Regional commissions will be terminated after they have accomplished their tasks of handling the interim permit process and certifying local coastal programs. Once local programs are approved, only special permit cases may be appealed to the Coastal Commission. The experience of Proposition 20 shows that this may be as little as three to five percent of the permits processed. Once local coastal programs are approved as consistent with the State coastal policies this figure could be less because the permit applicants have a consistent set of standards on which to base their projects.

Section 30610 and 30610.5 provide for numerous exclusions from the permit process which under normal conditions would have no direct or adverse impacts on the coastal environment. While these types of developments are excluded from a coastal development permit, Federal permits (e.g., Corps of Engineers, Environmental Protection Agency) are still necessary for some of them such as maintenance dredging.

Section 30333.5 is a "call-up" provision designed to avoid delays and insure that regional commissions process the "local coastal program or any portion thereof, a coastal development permit application, or appeal therefrom, in a reasonably expeditious and timely manner." This would allow the Coastal Commission to bypass the regional commission on development permits which it felt were important and involved more than one region or jurisdiction, such as a large energy facility or major road.

Coastal Act policies are made quite specific which will help all those required to interpret the intention of the legislation, especially in the early stages of development plans. These single policies will help all levels of government since the policies will be the focus for their actions in the coastal zone. In addition, State agencies are reviewing and revising their administrative rules, regulations, and statutes to make sure they are consistent with the policies of the Coastal Act. This will help avoid conflicting regulations from State agencies which have responsibilities in the coastal zone. Coordinated agency policies will allow for a greater degree of certainty in planning and decision-making, avoiding delays in the permit process and saving financial resources. Once the regulations are established, additional certainty and stability will be provided. While the policies are very specific, there are also words which allow for a reasonable difference of opinion as to the meaning. The Interpretive Guidelines (Attachment B) will help in this regard. However, industry and other developers have voiced a concern over the interpretation of words like "maximum feasible extent," "minimum risk," "sufficiently identified," the "maximum amount," etc. The interpretation will take place either when the development proposals come forth or through the local coastal program process. The Coastal Commission is the designated body to make such final interpretations. Any attempt to make an analysis of different interpretations is beyond the scope of this EIS other than to make recognition of the fact that some impacts will vary because of this.

Section 30337 provided for the Coastal Commission to establish a unified development permit application system and public hearing procedures with other permit-issuing agencies. One of the major concerns in recent years has been the proliferation of permits required for developments. The necessity of dealing with several agencies all requiring separate and sometimes inconsistent permits has been a source of substantial complaint from public officials, developers, and private citizens alike. In California the Water Resources Control Board, the Air Resources Board, the Coastal Commission, and the State Lands Commission for instance, issue permits. The multiple permit process is costly (to both the developer and the State), confusing, creates unnecessary delays, and is hard on citizens' groups required to testify at various hearings.

Section 30337 was included in the Coastal Act as an attempt to alleviate many of these problems. This does not imply that there is "one stop shopping" for all permits, but the provision does allow for streamlining in order to minimize the burden on all parties.

Temporary structures which are not excluded from the permit provisions (as a coastal development permit, administrative or emergency permit) will also cause some time delays and be an additional economic cost to those applicants. Sometimes, temporary structures such as one-time amusement shows which may only cause short-term impacts may be delayed if the permit is not processed fast enough. This has the potential of cuasing economic and social impacts to the community and the business.

The Coastal Act requires the Coastal Commission to review whether coastal developments will prejudice the ability of local governments to prepare a local coastal program (30604). This means for example that a facility requiring land divisions not in conformity with the policies of the Act may prejudice local governments planning during the interim period. Therefore permits may be denied causing some time delays for developments and increased economic costs as well. This may be particularly true for large-scale developments that require a major commitment of land and water resources. While this does not preclude these types of coastal developments it may narrow the sites such developments may be located at during the interim or cause a moratorium for this period.

Overall, it is believed that the economic benefits of the California Coastal Management Program will, at a minimum, offset non-compensated losses in land values or business opportunity. The positive effects of a more attractive, secure physical environment, combined with greater efficiencies attained from elimination of urban sprawl, and better coordinated governmental action will outweigh the projected overall losses.

d. Population Trends and Land Use Interaction

General. Since 1940, California's population has tripled to over 20 million, and 84 percent of this population lives within 30 miles of the coast. Sixty-four percent of the State's population is located in the 15 coastal counties, and 25 percent of the total State population lives within six miles of the coast. According to 1970 U. S. Census data, there are 47 coastal cities and 76 unincorporated coastal towns that front on the ocean with a total population of 3,851,330. An additional 34 cities and 43 unincorporated communities within six miles of the coast have a total population of 1,263,542, thus bringing the total population for cities and towns within six miles of the coast to 5,115,000. In 1970, approximately 700,000 persons lived within 1,000 yards of the coast.

But these general statistics do not provide a complete understanding of the population dynamics of the coastal zone. The population is not evenly distributed along the length of the coast, although 49 percent of the total State population is in the 15 coastal counties. Within five miles of the coast the population range among counties is from 3,600 in Sonoma County to 1,500,000 in Los Angeles County. The three southern counties (Los Angeles, Orange, and San Diego) contain 76.8 percent of the coastal county population whereas in contrast, the 5 counties north of San Francisco (Marin, Sonoma, Mendocino, Humboldt, and Del Norte) contain only 2.7 percent. The five northernmost coastal counties account for 39 percent of the length of the California coastline but for less than 3 percent of the State's coastal zone.

Trends. Past growth rates in California have been spectacular, but such rapid growth is not likely to continue into the future since in-migration has slowed substantially and is at or close to a zero net migration level. Similarly, the birth-rate is following the national trend and is near the replacement rate. A large percentage, however, of the present population is still emerging into the home market, especially as a result of the post-World War II baby boom, and thus, additional housing units will continue to be required. A substantial portion of this growth is expected to take place in the coastal zone.

The population growth of the coastal counties has, on the whole, roughly paralleled that of the State. In the decade from 1960 to 1970, the 15 coastal counties grew by 25.8 percent, compared with the State's 27 percent growth rate. However, some parts of the coast have experienced disproportionate amounts of this growth. For example, Orange County more than doubled and Ventura County grew by nearly 90 percent. Sonoma, Marin, Santa Cruz, and Santa Barbara Counties had rates ranging from about 40 to 60 percent, while the two northernmost counties and San Francisco all lost population during this same period.

The California Department of Finance has projected population for each county to the year 2000 that shows that the coastal counties will be absorbing 7.7 million new residents between 1970 and 2000. Based on population distributions in 1970, 39 percent (3 million) of this may be expected to occur in the five mile coastal area.

Population/Land Use Interaction. Population shifts also change land uses. For instance, Orange County was primarily a rural and agricultural area prior to 1950, but since then, land has been converted to urban uses at the rate of ten square miles per year. The major portion of this urbanization has taken place in the northernmost sections of the county, adjacent to the Los Angeles-Long Beach metropolitan area and within the coastal zone. While approximately 70 percent of the county remains undeveloped, present and pending proposals include most of the few remaining sizeable parcels of open space within the coastal zone of Orange County.

The tremendous growth of Orange County is part of a more general pattern of growth that has shifted away from congested urban centers. The growth rate in Los Angeles County, for example, has been much slower than in the adjacent coastal counties to the north and south, partly because of the migration of people out of Los Angeles into surrounding counties. Similarly, San Francisco has been losing population while the coastal counties immediately to the north and south are growing relatively rapidly.

Southern California, in particular, has been characterized by sprawling suburban development which has replaced former open space and agricultural lands with a continuous spread of low-density development. The construction of new transportation corridors has played a major role in facilitating this kind of development. The extension of freeways connecting to Los Angeles employment centers has been followed by a loss of agricultural lands in Orange County.

The last several decades have also been marked by increased second-home development along the California coast which, because of its mild climate and enormous recreational amenities, is highly desirable for such development. Unfortunately, rural sewage disposal and water supply systems displace public recreational traffic with private residential traffic on some of the State's most scenic coastal highways. Studies have shown that, if allowed to develop without restriction, second-home development could eventually cover many of the most attractive remaining natural areas of the shoreline.

A final characteristic of recent coastal development that should also be noted is the intensification of urban uses in some coastal cities. This intensification has taken two forms: (1) the construction of high-rise apartment buildings, and (2) the replacement of single-family homes with multiple unit buildings and apartment buildings. During the period from 1960 to 1973, 95 high-rise apartment buildings were built within 15 miles of the coast in Los Angeles and Orange Counties, and 35 percent of these were constructed within walking distance of the shoreline.

The California Coastal Management Program will place development restrictions on certain parcels of land. These include agricultural lands, open space areas, hazard areas such as fault zones, flood plains, and other sensitive coastal areas. These restrictions will inhibit some types of future development and growth in these sensitive areas. It is not anticipated that overall growth within cities and counties of the coast will be significantly affected by the restrictions. Some local governments may choose to limit population growth independently of the coastal management effect.

It appears that during Proposition 20 when 25,000 permits were processed, the experience has had no significant affect on population growth in the coastal zone. A study conducted by the Security Pacific National Bank of California (California Databank), indicated the population in the combined coastal counties planning areas (the planning area was larger than the 1,000-yard permit zone) increased by eight percent from 1970 to 1974 as compared to two percent for the rest of the combined counties. The program did not affect the rate of growth but rather the direction and placement of that growth within the coastal zone. There are many factors which contribute to population growth, including the general state of the economy, so it cannot be clearly demonstrated that coastal management is the cause of downturns in housing starts, and other indices, but only that it may be a contributing factor.

e. Public Access/Coastal Acquisitions

About 47 percent of the California coast is in public ownership, either Federal, State, or local, but not all of this area is available for public use. Several military bases, for example, occupy long stretches of the coast and are not accessible to the general public. However, thirty-three percent of the shoreline is in public parks and recreation areas, with some twenty percent of the State's coast being owned by the State in its recreation and park system and additional miles of ocean property having been reserved for public use by local governments.

Despite the relatively high percentage of public ownership of the State's coastline and the large number of recreational facilities already available along the coast, there is an increasing need for additional recreational opportunities. For example, less than half of the demand for campsites along the coastline is currently being met. All the new berthing spaces planned for the next five to ten years will barely cover the current demand of boaters. The proposed California Coastline Preservation and Recreation Plan estimates that the present supply of public swimming beaches in the central and southern portions of the coast is adequate to meet the demand for beach activities through 1980, but only if people are willing to travel up to two hours to reach public beach areas. Other activities currently enjoyed on the coast and for which there probably will be an increasing demand are fishing, hiking, horseback riding, bicycling, surfing, diving, picnicking, and sightseeing.

In addition to the recreational opportunities provided in public parks and recreation areas, the public is guaranteed the right to access and use of the publicly-owned tidelands. Irrespective of the California constitutional guarantee, 53 percent of the coastline is in private ownership and has gradually cut-off public access to the publicly-owned tidelands.

In the passage of the $280,000,000 Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 (Proposition 2), the State voters ratified the legislative findings on access and acquisitions for the sake of recreation and preservation (see Appendix 3). These findings declare that:

5096.112

(a) It is the responsibility of this state to provide and to encourage the provision of recreational opportunities for the citizens of California.

(b) It is the policy of the State to preserve, protect, and, where possible, to restore coastal resources which are of significant recreational or environmental importance for the enjoyment of present and future generations of persons of all income levels, all ages, and all social groups.

(c) When there is proper planning and development, parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects contribute not only to a healthy physical and moral environment, but also contribute to the economic betterment of the State, and, therefore, it is in the public interest for the State to acquire, develop, and restore areas for recreation, conservation, and preservation and to aid local governments of the State in acquiring, developing, and restoring such areas as will contribute to the realization of the policy declared in this chapter.

5096.113

(a) The demand for parks, beaches, recreation areas, and recreational facilities, and historical resources preservation projects in California is far greater than what is presently available, with the number of people who cannot be accommodated at the area of their choice or any comparable area increasing rapidly.

(b) The demand for parks, beaches, recreation areas, and historical resources preservation projects in the urban areas of our State are even greater: over 90 percent of the present population of California reside in urban areas; there continues to be approximately a 30 percent deficiency in open space and recreation areas in the metropolitan areas of the State; less urban land is available, costs are escalating, and competition for land is increasing.

(c) There is a high concentration of urban social problems in California's major metropolitan areas which can be partially alleviated by increased recreational opportunities.

(d) California's coast provides a great variety of recreational opportunities not found at inland sites; it is heavily used because the State's major urban areas lie, and 85 percent of the State's population lives, within 30 miles of the Pacific Ocean; a shortage of facilities for almost every popular coastal recreational activity exists; and there will be a continuing high demand for popular coastal activities such as fishing, swimming, sightseeing, general beach use, camping, and day use. Funding for the acquisition of a number of key coastal sites is critical at this time, particularly in the metropolitan areas where both the demand for and the deficiency of recreational

facilities is greatest. Current development pressures in urbanized areas threaten to preclude public acquisition of these key remaining undeveloped coastal parcels unless these sites are acquired in the near future.

(e) Increasing and often conflicting pressures on limited coastal land and water areas, escalating costs for coastal land, and growing coastal recreational demand requires, as soon as possible, funding for the acquisition of land and water areas needed to meet demands for coastal recreational opportunities and recommendations for acquisitions of the Coastal Plan prepared and adopted in accordance with the requirements of the California Coastal Zone Conservation Act of 1972.

(f) By 1980, the need for local parks, beaches, and recreation areas and recreational facilities will be nearly twice as great as presently required.

(g) By 1980, unless the lands and waters that hold recreation potential today are acquired or reserved for recreation as soon as possible, there will be a marked shortage of recreation lands and waters on a local and regional basis.

(h) Cities, counties, and districts must exercise constant vigilance to see that the parks, beaches, recreation lands and recreational facilities, and historical resources they should acquire additional lands as such lands become available; they should take steps to improve the facilities they now have.

(i) Past and current funding programs have not and cannot meet present deficiencies.

(j) There is a pressing need to provide statutory authority and funding for a coordinated State program designed to provide expanded public access to the coast, to preserve prime coastal agricultural lands, and to restore and enhance natural and man-made coastal environments.

(k) In view of the foregoing, the Legislature declares that an aggressive, coordinated, funded program for meeting existing and projected recreational demands must be implemented without delay.

The Legislature concludes that:

"This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that this act may provide financing for urgently needed parks, beaches, recreation areas, and historical resources preservation projects, it is necessary that this Act go into immediate effect". (Section 10)

Priorities were set for the expenditure of funds within the coastal zone.

(1) The first priority for the acquisition of coastal recreational resources is as follows:
(i) Land and water areas best suited to serve the recreational needs of urban populations.
(ii) Land and water areas of significant environmental importance, such as habitat protection.
(iii) Land and water areas in either of the above categories shall be given the highest priority when compatible uses threaten to destroy or substantially diminish the resource value of such area.
(2) The second priority for the acquisition of coastal recreational resources is as follows:
(i) Land for physical and visual access to the coastline where public access opportunities are inadequate or could be impeded by incompatible uses.
(ii) Remaining areas of high recreational value.
(iii) Areas proposed as a coastal reserve or preserve, including areas that are or include restricted natural communities, such as ecological areas that are scarce, involving only a limited area; rare and endangered wildlife species habitat; rare and endangered plant species range; specialized wildlife habitat; outstanding representative natural communities; sites with outstanding educational value; fragile or environmentally sensitive resources; and wilderness or primitive areas. Areas meeting more than one of these criteria may be considered as being especially important.
(iv) Highly scenic areas that are or include landscape preservation projects designated by the Department of Parks and Recreation; open areas identified as being of particular value in providing visual contrast to urbanization, in preserving natural landforms and significant vegetation, in providing attractive transitions between natural and urbanized areas, or as scenic open space; and scenic areas and historical districts designated by cities and counties. All real property acquired pursuant to this chapter

shall be acquired in compliance with the provisions of Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code, and procedures sufficient to ensure such compliance shall be prescribed by the Department of Parks and Recreation.

It is the further intent of the Legislature that funds granted pursuant to subdivision (a) of this section may be used by counties, cities, and districts for the acquisition, development, and restoration of public indoor recreational facilities, including enclosed swimming pools, gymnasiums, recreation centers, historical buildings, and museums. For development, the land must be owned by, or subject to a long-term lease to, the applicant county, city, or district. Such lease shall be for a period of not less than 25 years from the date an application for a grant is made and shall provide that it may not be revoked at will during such period.

The Conservancy will have authority in six general areas:

(1) preservation of agricultural lands,

(2) coastal restoration projects,

(3) coastal resource enhancement projects,

(4) resource protection zones,

(5) reservation of significant coastal resource areas, and

(6) public coastal accessways.

The Conservancy may acquire lands through fee title, development rights, easements, other interests in lands located in the coastal zone, lease lands award grants, and request the State Public Works Board to exercise the power of eminent domain to acquire interest in lands to protect public resource values (Section 31305 of AB 3544). The State Lands Commission can exercise the right of emirent domain if it determines that inadequate access exists to public lands. It is expected that the impacts associated with the acquisition of lands will have a very beneficial effect on coastal resources but that potential use of condemnation, and purchase of private property will most always be controversial to the property owners which may be affected.

In addition, there will be coastal construction and development to provide day use and sanitary facilities, utilities, landscaping, and parking in many of these areas.

The principal impacts of putting additional lands into public ownership for the purposes sited above are:

(1) For the enjoyment of present and future generations of persons of all environment levels, all ages, and all social groups.

(2) Contributes (when there is proper planning and development) not only to a healthy physical and moral environment, but also to the economic betterment of the State.

(3) Partially alleviate urban social problems.

(4) To lower the property tax base of the local government.

(5) To reduce costs proportional to the amount of property value removed from the service areas, resulting in a net economic loss.

(6) Possibly raising or lowering of property values on private lands adjoining the acquisition site.

(7) Possible additional revenue benefits or costs to localities due to such things as an increase in tourist sales.

(8) The achievement of the objectives for which the land was purchased, i.e., preservation of land for habitat or recreation purposes, thereby minimizing the impacts associated with intense development.

(9) The ability to justly compensate private property owners for the use of their lands for public purposes.

(10) In most cases foreclosing future development options in the service area although this need not be an irreversible committment of resources.

The principal effects of putting additional lands into public ownership are: (1) to lower the property tax base of the local government, (2) to reduce costs proportional to the amount of property value removed from the service areas, resulting in a net economic loss, (3) to possibly raise or lower property values on private lands adjoining the acquisition site, (4) for possible additional revenue benefits or costs to localities due to such things as an increase in tourist sales, (5) to acheive the objectives for which the land was purchased, i.e., preservation of land for habitat or recreation purposes, thereby minimizing the impacts associated with intense development, (6) to justly compensate private property owners for the use of their lands for public purposes, (7) for problems associated with maintenance of public property, and (8) in most cases, to foreclose future development options in the service area although this need not be an irreversible commitment of resources.

One of the more adverse impacts associated with public access, in general, deals with the problems associated with the maintenance of public property and the protection of the marine resources. Increased access to tidepools and the intertidal lands has been reported to be a particular problem because people like to capture and collect marine organisms notwithstanding the fact that there are laws prohibiting such actions. To the extent that these activities take place and there is inadequate enforcement, there would be adverse environmental impacts in these site specific areas which would be contrary to the objectives of the Coastal Act. Likewise, it is not the intent of the Coastal Act to see excess trash on the beaches, vandalism to adjoining private property or other indirect impacts such as congested parking problems. These activities are obviously unintended effects and must be mitigated through effective management.

The Coastal Commission procedure for providing access as a requirement for certain development permit approvals is such that even though an accessary has been dedicated, the opening up to the public may not take place until a responsible agency from local, or State government or a private owner (e.g., hotel owners) makes a committment to maintain the area. There are places in the State where public lands are not open to the public bacause of maintenance and safety problems. Until adequate funding is provided for these areas, they will remain closed. State budgets are often increased to maintain the size of the State lands but it sometimes does not take into consideration the intensity of use.

There is no doubt that in some areas of the State, there is an inherent conflict between the desire to increase access and provide recreational opportunities to the public while at the same time trying to protect the rights of property owners and preserve the integrity of coastal resources, especially marine organisms. As the State Legislature declared, it takes proper planning and development to insure the success of the acquisition program. Difficult decisions must be made on these matters of concern by the Coastal Commission and other State agencies responsible for implementation of the acquisition program, local governments, and concerned citizens. Local governments will decide during phases I and II of local coastal program development the major issues regarding access and identify management tools that will best meet the intent of the Coastal Act policies.

One aspect of the California Coastal Management Program that lends itself more specifically to quantitative analysis is the proposal for acquisition of coastal areas adopted by the Coastal Commission in March 1976 and submitted to the Legislature as an addendum to the Coastal Plan. Attachment by Reference 4 contains the list of potential sites that may be acquired, especially those marked Priority I and Priority II. Based on the current levels of per capita assessed valuation, the Coastal Commission's recommendations would create an average per capita loss of $4.50 in assessed valuation. In terms of a typical property owner on the coast, however, if property values are assessed to remain static, these acquisitions would increase the taxes on a $36,000 home by $1.61. As a percentage of assessed valuation, the acquisitions represent less than two-thirds of one percent. The removal of this land from the tax rolls would have little overall adverse economic impact on coastal property taxpayers, although it can be anticipated that their concerns might be substantial.

The Conservancy will have authority in six general areas: (1) preservation of agricultural lands, (2) coastal restoration projects, (3) coastal resource enhancement projects, (4) resource protection zones, (5) reservation of significant coastal resource areas, and, (6) public coastal accessways. The Conservancy may acquire lands through fee title, development rights, easements, other interests in lands located in the coastal zone, lease lands award grants, and request the State Public Works Board to exercise the power of eminant domain to acquire interest in lands to protect public resource values (Section 31305 of AB 3544). The State Lands Commission can exercise the right of eminant domain if it determines that inadequate access exists to public lands. It is expected that the impacts associated with the acquisition of lands will have a very beneficial effect on coastal resources but that the potential use of condemnation, and purchase of private property will most always be controversial to the property owners which may be affected.

f. Public Access/Housing

A basic policy of the Coastal Act is to provide more access to the coast for all. Chapter 3 of the Coastal Act states the policies on access. Of particular note is Section 30213:

> "Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code."

Some indication of the impact of this policy can be derived from an analysis of the Coastal Commission's actions under the California Coastal Act of 1972. Prior to the passage of Proposition 20, the coastal zone, especially in southern California, was becoming an area open to only those who could afford very expensive homes. This trend, documented by the U. S. Census and other studies, was caused by the impact of public agency programs as well as by the more subtle forces of the housing market. (Public projects, such as road improvements and redevelopment projects have eliminated much of the low- and moderate-income housing along the coast as well as across the Nation generally. The conversion of moderate rent apartments to condominiums and the replacement of lower income single family housing with high rise apartments was also common along the southern California coast.)

The Coastal Commission and regional commissions, through a broad interpretation of Proposition 20's mandate to provide access to the coast for all people, attempted to deal with both the market forces and public agency decisions so as to assure that the poor would not be precluded from enjoying the coast. Specifically, the Coastal Commission took the following action in its permit decisions:

- In responding to residents of the low-income, largely Chicano community of Barrio Logan in San Diego, the Coastal Commission denied a permit for a boiler warehouse in a neighborhood zoned for industry but occupied primarily by housing. The Coastal Commission was impressed by the efforts of neighborhood residents to try to open access to San Diego Bay and to otherwise provide a more livable environment.

The Coastal Commission's formal findings were that:

> "The Coastal Zone contains many natural resources deserving of protection under the Coastal Act. It also contains manmade resources, such as low-income neighborhoods near the shoreline, that are just as threatened as are many of the natural resources, and are deserving of similar protection under the Coastal Act. The Coastal Commission finds that such protection is one of the prime reasons for the Coastal Act; without it, the forces of the market place would not only destroy natural resources but could make it virtually impossible for people of moderate means to enjoy the amenities of homes in the Coastal Zone."

The Coastal Commission urged the City of San Diego to either rezone the area for residential use, or, if industrial use was desired, undertake an orderly program to find housing for the present residents.

- The Coastal Commission and regional commissions have from the beginning been concerned by the market place forces leading to increasingly expensive housing along the coast; as the Los Angeles Times observed, "the coast shall not be inherited by the poor." The Coastal Commission and regional commissions have acted in two ways: (1) they have tried to protect the existing supply of low-cost housing and to encourage the construction of more wherever possible; and (2) they have tried to open many more parks, accessways, beaches, and other opportunities for all people to enjoy the coast, whether or not they can afford to live near it.

- In settling litigation with the Santa Monica and Redondo Beach Redevelopment Agencies, the Coastal Commission required units of low-cost senior citizen housing be provided.

- In approving demolition of low-cost student housing at San Francisco State University, the Coastal Commission required that replacement housing at comparable cost be provided.

- In approving highway construction projects in Los Angeles, San Diego, and Eureka, the Coastal Commission required measures to protect both the low-income neighborhoods through which the freeways were planned and low-income residents whose houses would be taken for the freeway improvements.

- In many parts of the coast, the Coastal Commission and regional commissions have required that where possible, existing low-cost housing be rehabilitated and used, not torn down to make way for much bigger, higher-cost housing.

- In Venice the regional commission approved a density bonus for a developer who agreed to commit some of his units to the Los Angeles Housing Authority for leased low-cost public housing.

- The Coastal Commission and regional commissions have imposed conditions on proposed conversions of apartment buildings to condominiums, to try to keep the conversion process from forcing elderly and low-income persons from coastal communities.

- In Malibu, in Marina del Rey, and in other areas already developed, the Coastal Commission and regional commissions have insisted that additional new development be accompanied by new access to the water, so that not just the people fortunate enough to live in these areas will have the opportunity to enjoy coastal beaches and parks.

- The Coastal Commission and regional commissions have required that in suitable areas, public facilities such as campgrounds, recreational-vehicle parks, etc., have preference over private housing, again to open coastal areas for public use and enjoyment.

- The Coastal Commission and regional commissions have encouraged construction in appropriate coastal areas of resorts, convention centers, hotels, etc., both for the public enjoyment of the coast they provide, and also--of great importance--for the many jobs for relatively unskilled persons that the coastal tourist industry provides.

This policy is perhaps one of the most unique for coastal zone management since it deals with the problems of social equity, the benefits of which cannot be easily quantified. The issue is directed toward the responsibility of a society to protect the rights of all of its citizens and meets the intent of the Coastal Act when it says "the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people..." The policy directs the State to meet the social needs of the people when using and conserving coastal resources. During the legislative process, lower cost housing and access were among the major issues discussed. This policy has to date been aggressively implemented as shown by the following newspaper article.

SF Chronicle March 3

Poor Get a Break At the Sea Shore

By Dale Champion

The newly formed California Coastal Commission set a precedent yesterday for seeing to it that people of low and moderate means share in the advantages of living next to the ocean.

At a meeting in Burlingame, the commission approved a compromise Santa Monica redevelopment project that calls for guaranteeing some housing for families and elderly persons of little income.

As a condition for going ahead with the big oceanfront project, the Santa Monica Redevelopment Agency agreed to acquire and refurbish more than 100 units of dilapidated housing in the vicinity and subsidize their rental.

The money for providing the low-cost housing will come from additional tax revenue generated by the construction of 400 luxury condominium units in the city's Ocean Park redevelopment area.

The redevelopment agency also agreed to reserve a vacant parcel in the project site for about 50 subsidized housing units for the elderly and to finance improvements to a neighboring public beach.

The previous state coastal commission, which served from 1973 until the end of last year as a result of the passage of the Proposition 20 initiative in 1972, had acted to safeguard and promote new low-cost housing in coastal areas.

But this was the first time the new and permanent commission had administered a provision of the 1976 California Coastal Act that says coastal residential opportunities for people of low and moderate means should be provided "where feasible."

Other impacts that may result are that developers may not realize the full potential of the economic value of the land, the higher costs may be associated with subsidizing housing, and population may be increased in the coastal zone as more housing units are made available for low-moderate income persons.

g. Local Government

One of the largest immediate impacts will fall on local governments, because the process of local coastal program development is complex. It includes public hearings, plan and zoning revisions, and the resolution of potentially conflicting policies (recreation vs. preservation, etc.). Fortunately, this burden will be temporary, and after this process is over, the work load will become lighter. Preservation and growth of coastal development will take place in a more rational and acceptable manner based on approved general plans and zoning ordinances. With certified local coastal programs, local governments will be better able to reflect regional, State, and national interests in their decision-making, and thereby regain greater control over coastal land and water uses.

Some local governments have expressed reservations about the State coastal management program. Reasons for their concerns include: the difficulty of applying Statewide coastal policies to small geographic areas, the resistance to making changes in the general plans that have just recently been completed; the difference of perspective between local and State officials, the speculation that increased recreation use may require a higher level of development to pay for the costs of providing recreational facilities, the fear that the local coastal program will have to inhibit residential development which is seen as a paying proposition, and the concern that further recreational development would be detrimental in many localities.

A few of the local governments that participated in a pilot implementation program during 1976 found that the conflicts between the expectations of their communities and Coastal Commission and regional commissions. Recreation policies were the causes of the main difficulties in meeting the requirements of the Coastal Act. Some of the smaller communities that are within the reach of the larger urban areas see themselves being used as a "playground" by non-residents. They are striving for no-growth, slow-growth, or long-term controlled growth development and dislike the idea of encouraging and allowing the use of private lands for commercial recreation facilities over other facilities (Section 30222) that might be more stabilizing to the economy. They would prefer permanent residential growth over temporary or seasonal recreational developments and the secondary impacts (maintenance and police). Therefore, Statewide and regional interests are often difficult for them to consider in light of their particular interest. The purchase of additional park and recreation lands will tend to aggravate this situation..

Some local governments are already well on their way toward meeting the objectives of the Coastal Act through their general plans by participating in the local implementation program pilot project. Others will have to start from scratch to prepare a local coastal program because their general plans are not yet complete. California law requires that general plans include the following elements: land use, circulation, housing, conservation, open space, seismic safety, noise, scenic highways, and safety. Under the provisions of the Coastal Act, they may also include a "local coastal element."

As an example, the county of San Mateo has a combined Open Space and Conservation Element which is implemented by a Resource Management District Ordinance. The county feels that most of the policies in its open space rural areas are already consistent with the policies of the Coastal Act. If adequate funds are available the county expects to be able to have a certified local coastal program within a year. The county anticipates that its major difficulties in implementing the policies of the Coastal Act will be in its unincorporated urban areas near the coast. Application of the Coastal Act's policies may limit growth to less than the county anticipated. Most growth that does occur over the years will be concentrated in existing urban areas and, on a lesser scale, near rural service centers.

The fiscal impacts of the acquisition program on local government can be burdensome or minimal, depending on the current budget, the amount of high revenue producing lands that would be taken out of production, and other factors. These impacts will be determined on a case by case basis at the time of purchase or during the development of local coastal programs. One example of the fiscal effect of land acquisitions on local governments was conducted in the Half Moon Bay area. The study showed that for two alternative land use patterns there would be a net revenue loss of approximately one-seventh of the sale value.

Many of the concerns which have been identified during the Proposition 20 experience have been potentially remedied by the establishment of the State Coastal Conservancy and the passage of Proposition 2 (November 1976). The California Coastal Management Program now has the backing of future acquisition funds and the institutional arrangements necessary to acquire lands for the purpose of meeting the objectives of the Coastal Act. Prior to this, the Coastal Commission did not have the power to act in a positive way but could only react to development permits which had to be approved or denied. The Conservancy, of which the Coastal Commission chairperson is a member (see Part II, Chapter 10 on powers of the Conservancy), has the ability to use acquisition for planning and management purposes, and not just for preservation and wildlife habitat protection.

TABLE D

Net Revenue Loss from State Land Acquisitions

	Sale Value	A/V of Land Acquired	Net Revenue Loss*
Alternative 1			
Montara	$630,00	$133,875	$ $9,217
Miramar	430,000	95,625	6,459
Half Moon Bay	700,00	148,750	10,152
Other, County	650,000	138,125	9,330
Total	2,430,000	516,375	35,158
Alternative 2			
Miramar	450,00	95,625	6,459

*The net loss represents the difference between expenses related to property and the Assessed Valuation (A/V) revenues.

As to the impact of permit decisions on the tax base of the coastal counties, few assessors have hazarded a judgment. However, evidence suggests that the increase in developed property that may have occurred as a result of the Coastal Commission and regional commissions, has more than offset any real or opportunity costs as a result of adverse impacts on undeveloped property. However, the overall impact to the county is not expected to be overly damaging to the tax base.

The Office of Planning and Research prepared a report at the request of the Office of the Legislative Analyst on the costs of implementing the Coastal Plan to local governments. The results of this research are summarized below:

1. Several factors minimize the number of tasks to be performed by local government due to Coastal Plan requirements:

   a. Existing Federal, State, or regional agency responsibilities.

   b. Existing local planning requirements of other authority.

   c. Plans, information, and assistance to be provided by State agencies as part of Coastal Plan Implementation.

   d. Existing information and technical assistance.

2. The exact scope of each jurisdiction's implementation program would be determined by several factors unique to each jurisdiction:

   a. Local conditions (the number of coastal issues to be addressed).

   b. Relationship of the jurisdiction to the Coastal Resource Management area.

   c. Consistency of existing local plans and programs with the Coastal Plan.

   d. Number and type of existing special local government functions.

3. Generalizations about the costs to local government of preparing plans and programs for certification are difficult to make. However, the survey of local governments did indicate that:

a. The total cost for all 75 affected jurisdictions to develop certifiable plans and programs may well exceed the $2 million to $2.5 million estimate in the Coastal Plan.

b. There appears to be a minimum cost to each jurisdiction in the range of $10,000 to $20,000.

c. The upper limit cost to any jurisdiction, except in rare cases, appears to be about $100,000. Several local governments have indicated during the comment period on the DEIS that this figure was low and that their projected costs exceeded this figure considerably.

d. Jurisdictions which have worked closely with the Coastal Commission in recent years will not be faced with significant costs in preparing for certification.

e. More detailed guidelines for implementation and an examination of local plans and programs are required for an accurate estimate of costs.

4. Following certification, implementation of the Coastal Plan may involve additional responsibilities on the part of local governments. These increased responsibilities might result from:

a. An increase in the number of permits which may be required to be issued by local government.

b. More complex or involved analysis of project proposals.

c. Amendment of local plans following Coastal Plan amendment.

d. Litigation as a result of decisions made by local governments pursuant to certified plans or policies.

e. Appeals of local decisions to the State coastal agency.

5. The cost associated with 4a and 4b could be largely covered by applicant fees, and costs associated with 4c, 4d, and 4e cannot be estimated at this time.

6. The survey indicated that roughly half of the jurisdictions felt the costs to local government of implementing the Coastal Plan following certification would be significant while the other half felt they would be minor.

It is not expected that the costs associated with developing local coastal programs under the Coastal Act will be substantially different from those which would have been necessary to implement the Coastal Plan at the local level. Section 16 of the Coastal Act includes provisions for providing funds to local governments to pay the cost of developing and implementing local coastal programs. The CZMA funds will also be available for this purpose. In addition, the State will provide technical assistance to local governments and to participating Federal agencies. See Introduction item No. 10.

A study was conducted to determine what the costs and revenues to local governments would be if the Coastal Plan policies were implemented in the Half Moon Bay area of San Mateo County. Six alternative growth patterns for the sub-regional area were analyzed; four low and moderate growth alternatives based upon policies of the Coastal Plan and two less restrictive alternatives representing the general plans of the county and the city of Half Moon Bay. The major constraints were based on the interpretations of the agricultural lands protection policies. This study is therefore relevant in particular to the agricultural lands provisions in the Coastal Act.

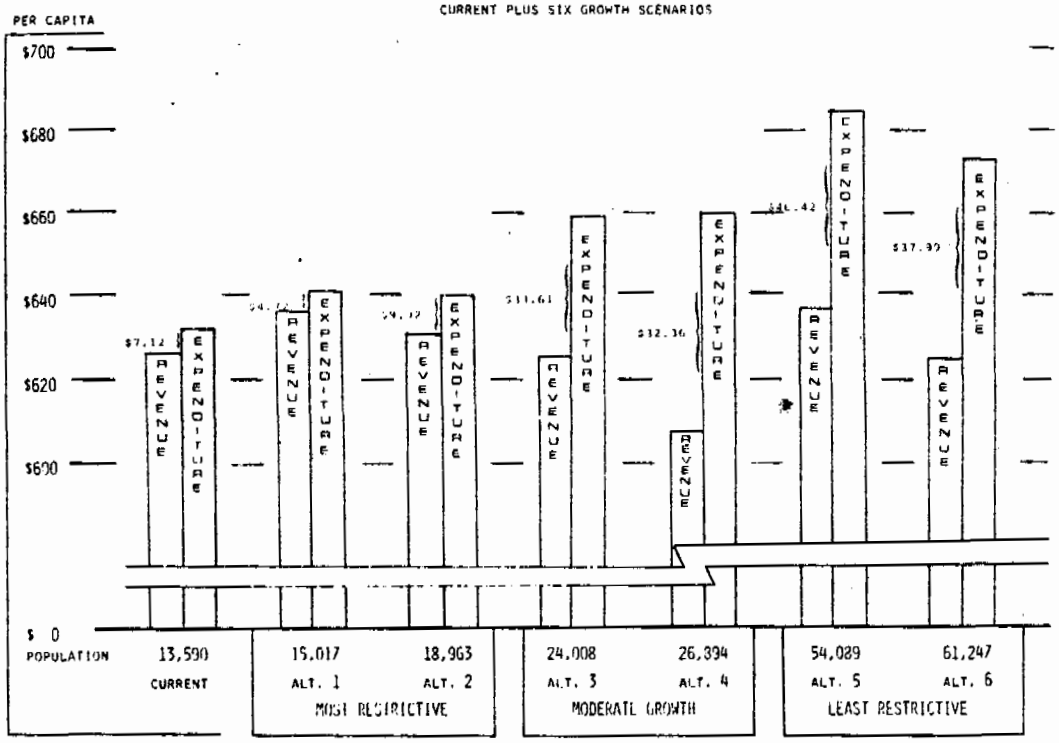
The study found there to be no increase in the fiscal burden to local governments in the Half Moon Bay area as a result of applying the agricultural lands protection policies. Generally, the analysis indicated that the more growth there is, the more per person public service costs tend to exceed government revenues, as illustrated in Figure A.

The capital costs of sewer and water improvements to serve the larger populations were the major reasons for the differences in expenditures. The study points out an important caveat for any attempt to apply the findings to other areas, namely: "It is not known whether similar results regarding the increasing cost of servicing larger population growth would hold true in other communities. It would depend on the nature of capital improvements required, as well as on the nature of the community and its land use mix." This study points out that, in some cases, constraints on growth (within a period of time) based on the protection of certain natural resources (agricultural lands) may not have such a negative fiscal impact on the local government. These policies will produce medium to long-term socio-economic benefits to local governments.

FIGURE A

NINE AGENCY AGGREGATE PER PERSON REVENUE AND EXPENDITURE

CURRENT PLUS SIX GROWTH SCENARIOS



Source: George Goldman and David Strong. Government Cost and Revenues Associated with Implementing Coastal Plan Policies in the Half Moon Bay Subregion. U. of California, Berkeley: Coop. Extension Service, 1976

h. Intergovernmental and Public Involvement

The Coastal Act exhorts and/or requires the direct involvement of Federal, State, and local government agencies as well as further efforts from the public and private sectors.

Because of the Federal consistency requirements of Section 307 of the CZMA, Federal agencies will become more involved with local governments as they develop and implement the local coastal programs. Recent experience with a similar program in the State of Washington shows that this is no small task for Federal agencies. In many cases, this direct involvement and interest will be a new experience for local governments. Federal agencies will be asked to commit a substantial portion of their time over the next several years to both supply local governments (or the Coastal Commission and regional commissions as the case may be) with information and expertise and to review the local coastal programs and elements. Some agencies will not be budgeted to permit adequate expenditure of time on this effort, especially since some regional Federal offices will have to deal with 60 or more local governments. New partnerships and institutional arrangements will be formed, extra efforts on the part of Federal employees will be called for, and an increase in information exchange can be expected.

The proposed Federal approval of the COMP will have an influence on the conduct of other Federal programs related to the management of land and water uses in or affecting the California coastal zone, primarily through the implementation of the Federal consistency provisions of the CZMA. Because California has had the assistance of many interested Federal agencies during the development of its Program and intends to continue to implement its Program by considering the national interest in facilities which are other than local in nature, the overall impact on the conduct of Federal programs should not be negative and, in fact, should serve to promote the coordination of State and Federal efforts in the coastal zone.

In the first place, the CZMA specifically disclaims any intent to derogate the existing jurisdiction and responsibility of Federal agencies. (Section 307 (e)). Therefore, the authority of Federal agencies to conduct programs that are in or affect the California coastal zone remains unchanged. The Federal consistency provisions of the CZMA, particularly Section 307(c)(1) and (2), may, however, influence the way in which Federal agencies conduct or support activities, including development projects, which directly affect the coastal zone, because these activities would have to be consistent, to the maximum extent possible, with an approved State program. What this requires, according to proposed NOAA 307 regulations (15CFR Part 930), is that each affected Federal agency consider the substantive policies of the State's management program as supplemental requirements to be adhered to in carrying out statutory obligations, unless compliance would be prohibited based upon the requirements of existing law applicable to the Federal agency's operations. This requirement will cause a Federal agency to consult with the Coastal Commission during the planning stages of project development to determine if the proposed activity will comply with the substance of the State's management program. Agencies will be encouraged to try to find ways, if necessary, to modify their activities to assure consistency. The mediation services of the Secretary of Commerce and the Executive Office of the President can be employed to help resolve any serious differences. However, we recognize that where an agency would be literally unable to comply with a Congresionally-authorized mandate if it had to conduct its activity in such a way as to be consistent with the State program, then the agency is free to pursue the activity. Because of the opportunities afforded Federal agencies to participate in the development of the CCMP, we anticipate that these exceptional cases would be rare.

A slightly different situation pertains to the conduct of Federally-regulated activities affecting the California coastal zone and which will be subject to the consistency requirements of Section 307(c)(3) and (d) of the CZMA. A State with an approved coastal management program is authorized to exert more influence over the issuance of Federal licenses, permits and assistance by virtue of the fact that the Federal agency would be barred from issuing such license or assistance in the face of a State's inconsistency determiation, unless and until the Secretary of Commerce overrides this determination on the basis of consistency with the objectives of the CZMA or in the interest of national security. A greater role is given to the States in this area probably in recognition of the fact that these are only Federally-supervised activities and will involve private or local public applicants who will generally be more accountable to State controls, and in the case of California, may even have to obtain a coastal development permit. California has listed those permits and licenses which it wants to review for the purposes of Federal consistency at page . California has, in the establishment of procedures for exercising consistency, expressed a willingness to cooperate with both the applicant and the relevant Federal agency in processing permit certifications. In addition, the fact that the State may make a finding of consistency and/or the Secretary of Commerce may override a State's inconsistency determination on a particular permit decision would not obligate the Federal agency to issue the license or permit at issue.

Another way in which Federal programs would be affected by the approval and implementation of the CCMP is through the development of local coastal programs (LCP's). These programs, which are required of all coastal jurisdications, would be partially financed through a Federal administrative grant to California. Local coastal jurisdictions have been instructed by the Coastal Commission, in regulations and in the LCP Manual, to solicit the participation of relevant Federal agencies in revising their land use plans and zoning ordinances to comply with the policies of the Coastal Act. Through this public process of LCP development, Federal agencies will have the opportunity to influence the content of these programs and assure that their interests are adequately accommodated. The Defense Department (DOD), for example, will be able to work with local governments to see that areas adjacent to DOD installations will be planned for compatible uses. The Fi and Wildlife Service could influence local governments to plan for and protect certain fish and wildlife habitats which may be within the management jurisdiction of the local government and at some future time to be subject to Federal regulatory control.

Many State agencies will go through a similar experience since their actions are to be consistent with the policies and certified local coastal programs. While these requirements will be of a temporary nature, it is believed that many benefits will be derived from this type of intergovernmental cooperation and coordination.

State agencies are working on new guidelines consistent with the coastal legislation for marina development, minimizing the amount of dredge and fill, design of breakwaters to minimize littoral drift, encouraging parking in upland areas, avoidance of dead end channels to ensure adequate flushing action, protection of historic properties, etc. As additional funding is provided to local governments to increase or improve the information and data base, along with assistance by Federal and State agencies, it is believed that the decision-making process on development permits and coastal planning will be improved significantly, especially in areas where such information is scarce.

One of the most important benefits of the Coastal Act is that it encourages citizens to become involved in the management of the coastal resources. Part II, Chapter 13, covers the provision for continued public involvement. Local coastal governments are required to adopt procedures for providing maximum opportunities for the participation of the public and all affected governmental agencies in the preparation of the local coastal program (see Section 00020 of Chapter 8 - Implementation Plans for the Local Coastal Program Regulations in Appendix 7).

The benefits of increased citizen participation are now well known and numerous. One of the purposes of using local governments to develop and implement the management program is that they are closer to and better able to respond to the desires of citizens. The California Coastal Management Program will allow for an increase in citizen participation (which includes all interested parties) in land and water use planning. It will provide for a broader base for decision-making and ensures that citizens can have their views heard without the need to resort to costly legal processes. It has been shown that public participation has significantly influenced many of the decisions made on individual permit applications under Proposition 20.

Some of the problems inherent in citizen participation are the delays caused by the need to inform and educate the public on complex, comprehensive problems. Many times citizens tend to focus on single issues and find it difficult to grasp the more complex problems which may take away some of the comprehensiveness of the program. The burden is on those preparing local programs to make them understandable to the citizens who do not have technical or planning backgrounds.

2. Environmental Impacts

The California coastal zone exists as a delicately balanced ecosystem. Sound resources management requires a comprehensive knowledge of the many factors which control the ecosystem. The policies of the Coastal Act are separated into distinct categories of land and marine resources. However there is a unique perception of how the coastal ecosystem works and must be managed. One activity not properly controlled will often have significant adverse impacts on other resources. It is believed that the implementation of the California Coastal Management Program should have a positive impact on the natural environment which should be discernable over the next five to ten years and longer. The program, through integrated land and marine resource management, is designed to prevent the further accelerated deterioration and destruction of the coastal resources for the benefit of all concerned.

In previous years, wetlands destruction occurred at an alarming rate. There are now many policies directed at the protection of the coastal wetlands. The boundary was extended to include significant coastal estuarine, habitat, and recreational areas. Special provisions were made to allow for the designation of "sensitive coastal resource areas" and "special treatment areas." Specific mitigation measures and criteria were written directly into the policies to protect coastal resources. The California Coastal Management Program requires broad public support and participation which helps to ensure sound planning and management. The Water Code was amended to take coastal waters and resources into account and, additionally, many State agencies will be revising their regulations to do the same. The State found that it was necessary to provide for continued coastal planning and management through the Coastal Commission in order to "protect regional, state, and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources." (30004(b)) While attempting to strike a balance between the insatiable appetite California has for growth and development and the need to protect coastal resources, the Coastal Act recognizes that the balance must lean toward the protection of significant coastal resources. (30007.5)

a. References

The following sources of information should be reviewed as part of this discussion:

(1) "Program Objectives and General Management Policies," Part II, Chapter 3.

(2) "Coastal Act Policies," of the Local Coastal Program Manual (Part II), Attachment A.

(3) "Statewide Interpretive Guidelines," Attachment B and Attachment by Reference No. 8.

(4) "California Coastal Plan," specifically the following sections:

Part II: Findings and Policies (The findings are extremely useful in describing the problems the Coastal Act policies were meant to remedy. Attachment by Reference 7 shows a correspondence list between the Coastal Plan and the Coastal Act policies.)

Part IV: Plan Maps and Regional Summaries

Note: Because of the widespread distribution of the Coastal Plan, it is presumed that most reviewers will have a copy. If not, a copy will be made available through the Office of Coastal Zone Management or the California Coastal Commission immediately upon request. Contact:

Office of Coastal Zone Management/NOAA
Pacific Regional Manager
3300 Whitehaven St., N.W.
Washington, D.C. 20235
202/634-4235

California Coastal Commission
1540 Market Street
San Francisco, CA 94102
415/557-1001

(5) "Areas of Concern in the Coastal Zone", Attachment by Reference No. 3 lists the multitude of areas which have been identified or are identifiable through the inventory process described in developing local coastal programs which may be impacted over the lifetime of the program consistent with the objectives of the Coastal Act.

(6) "Significant Coastal Estuarine, Habitat and Recreational Areas", Attachment by Reference No. 2 describes the 18 "bulges" to the inland coastal zone boundary, the resources and the reasons for their inclusion under coastal zone management.

(7) "Index of Land and Water Uses Referenced in the California Coastal Act", shows the various uses which will be impacted by the policies. The degree of impact, however, is not defined by this list. (See Attachment H)

(8) "Current List of Acquisition", Attachment by Reference No. 4 shows the potential sites which may be acquired for preservation, restoration, recreation, education, and habitat purposes.

b. Interpretive Guidelines

The Statewide Interpretive Gudelines adopted by the Coastal Commission are included in Attachment B. The final regional guidelines have not yet been adopted and therefore the interim guidelines are still used (see Attachment by Reference No. 8). These guidelines do not have the force and effect of law. They give an indication of what the problems are and a Coastal Commission recognition of those problems. They are used by the Coastal Commission is applying various Coastal Act policies to permit decisions during the interim period prior to local coastal program certification. The guidelines are cited but no findings are made on them.

With respect to assessing the impacts of the COMP on the natural environment, the guidelines can be used as an indicator of some of the impacts that may be expected over the years since they deal with problems and recommendations on how to solve those problems in accordance with the policies of the Coastal Act. Generally, these guidelines indicate the following:

Protect scenic qualities: sand dunes; bluffs and cliffs; valuable wetland and riparian habitats; open space values; valuable anadromous fish resources; views and view corridors; fish and wildlife habitats (including marine mammal haul-out areas, bird nesting areas, endangered species); estuaries and marshes; timberlands and agricultural lands; rare and native plant species including significant individual trees; archaeological and historic sites; low-moderate income housing; and life and property from inappropriate development in hazard areas.

Maintain water quality standards; agricultural lands; character of special communities; buffer areas around osprey nests; and maintain and improve refuge facilities.

Enhance parts of the coastal highway and areas where oil-related structures could be removed as the petroleum resource is depleted.

Prevent overuse of areas in order to minimize environmental damage by placing controls on public access; further loss of estuarine ecosystem and wetlands from non-dependent uses.

Restrict commercial development; off-road recreational vehicles; division of agricultural lands; developments harmful to salmon and steelhead trout; linear development along coastal highways; new residential development; developments in the 10 year and 100 year floodplains; development to infilling of subdivided areas presently served by a sewer system; single family residences based on carrying capacity of highways, soil, water, sewer; and intensive beach recreation facilities.

Encourage the expansion of some visitor-serving facilities; development of some community water systems; expansion and improvement of boat launching facilities, bikeways, marine industry, and commercial fishing.

Produce Guidelines to minimize risks to life and property; undertake erosion control measures; control visual impacts through size, height, architectural design, and set-back requirements; and for continued use and development in State and local parklands.

In addition, the guidelines have recommended objectives for Federal coastal parklands and the consolidation of new oil facilities where possible.

c. The Marine Environment

Common to the entire coastal zone is the marine environment -- the State's coastal waters, estuaries, and wetlands. Coastal waters, in general, are known to be more productive than the open oceans, and a particular combination of physical factors make California's coastal waters among the most productive in the world. The rugged sea floor off California's coast, marked by extensive structural relief, provides habitat for a wide range of marine life, and deflects and channels currents and waves, thereby causing a turbulent mixing that brings nutrient-rich deep waters to the surface. Extensive kelp beds are found in rocky coastal environments from the intertidal zone to depths of 80 to 100 feet and cover approximately 75 square miles of the State's coastal waters, concentrated primarily in the offshore areas of southern California. The importance of this resource is largely unknown to the public. The kelp serves as a sanctuary, nursery area, habitat, and food source for an abundant variety of marine life, supporting a greater variety of species and a greater number of organisms than does a temperate land forest. Kelp beds may help to dissipate wave action and retard erosion on the shoreline.

Perhaps the most productive part of the marine environment is the intertidal zone which is inundated at high tide and exposed at low tide. Both tidepools and tidal salt marshes occur at frequent intervals along the entire length of the State. They comprise two distinct systems, each with its own location and role in the marine environment. Tidepools, most typically found off sandy or rocky shore, support a variety of marine organisms and are visible only at low tide. Coastal wetlands, on the other hand, constitute a very visible transition between the marine environment and the land environment, being found in association with lagoons, bays, and the mouths of coastal streams where a permanent connection between land and sea results in the periodic or occasional mixing of seawater and freshwater.

Coastal wetlands, made up of tidal marshes and mudflats and related freshwater marshes, are generally shallow in depth and sunlight is often able to penetrate to the bottom, thus allowing plant growth to occur. Cord grass and pickleweed are unique to salt marshes, requiring a particular mix of saltwater and freshwater, and common tule, California bulrush, cattails, spike rushes, pondweed, and sedges are typical of freshwater marshes.

As elsewhere, many fish, waterfowl, shorebirds, wading birds, and other animal species use coastal estuaries and wetlands either directly for spawning, nesting, resting, or feeding, or indirectly as a provider through the foodchain. Additionally, many rare or endangered species are entirely dependent on habitats found in California's coastal wetlands, as are the migratory waterfowl of the Pacific flyway. Some 33 species of shorebirds pass through or winter along the coast. A total of 10 to 12 million migratory waterfowl come into California each fall, and; about 20 to 35 percent winter in the coastal zone. An additional 25 species of waterfowl also utilize coastal wetlands as do some 27 species of other water associated birds.

"Rare and endangered animals are at the limit of their tolerance as a result of human disturbance and habitat destruction. Minimization of further encroachment on areas essential for their continued survival is the aim of Federal and State endangered species legislation. Major habitats of species on both the Federal and State threatened list have been extensively mapped".

Protective legal support for the preservation of threatened species is provided by the Department of Fish and Game (State of California) and the U. S. Fish and Wildlife Service (U. S. Department of Interior).

The State's Endangered Species Act, passed by the Legislature in 1970, defined rare and endangered wildlife and gave the Fish and Game Commission authority to designate which animals in California are endangered. Also, in 1970, the Legislature passed the California Species Preservation Act, directing the Department of Fish and Game to inventory all threatened fish and wildlife, and report to the Governor and the Legislature every two years on the status of these animals. Although Congress had earlier enacted Federal endangered species legislation, the California Legislature was the first to provide protective legislation prohibiting the importation, taking, possession and sale of endangered and rare species. Congress subsequently recognized the shortcomings of previous Federal endangered species legislation and the inability of many States and Nations to enact programs of protection and preservation for the world's endangered life forms and enacted a far-reaching act (California Dept. of Fish and Game, 1975) [6].

The coastal waters and offshore islands and outcrops are the habitat for many marine mammals. In a study conducted by the Federal Bureau of Land Management, they found that:

> "Many thousand seals and sea lions are found in the Southern California Bight either as year-round residents or as seasonal transients. Major populations of the northern elephant seal, Mirounga angustirostris, the California sea lion, Zalophus californianus, and the harbor seal, Phoca vitulina, pup and breed each year on the rocks and beaches of the Channel Islands. In addition, the northern fur seal, Callarhinus ursinus, and the Steller sea lion, Eumetopias jubata, have the southernmost extension of their breeding range in these islands. With the presence of rare Guadalupe fur seals, Arctocephalus townsendi, an endangered species, the Southern California Bight possesses the largest and most diverse pinniped community in temperate waters"*.

Other important species include, but are not limited to: sea otters, Enhydralutris, gray whales, Eschrichtus robustus, killer whales, Orcinus orca, Pacific battlenose dolphins, Tursiops gilli, harbor porpoises, Phocoena phocoena, and a variety of other whales (Pacific Right, Blue, Sei, Humpback, and Sperm).

"Pinnipeds once bred in large numbers along the Southern California mainland coast, and still do in areas north of Pt. Conception where little or no human activity is present. Human activity in Southern California has disturbed these marine mammals to such an extent that they no longer breed at their previously established coastal rookeries. (BLM, 1975). Today, seals and sea lions breed and haul-out exclusively on the Channel Islands"*.

Management Issues

Sewage Disposal. The marine resources of the coastal zone are particularly vulnerable to the effects of human activities with water pollution and the filling and dredging of wetlands having the most serious consequences. There are at least 130 waste disposal outfalls along California's coast which annually discharge some 444 billion gallons of domestic and industrial sewage into the State's wetlands, estuaries, and coastal waters, and a good portion of this wastewater discharge is inadequately treated. This is a particular problem in heavily developed Los Angeles and Orange Counties where only 15 percent of all municipal wastewater discharged into coastal waters received secondary treatment in 1973.

Inadequately treated sewage discharges are also a problem in Monterey Bay and in other enclosed water bodies such as estuaries and lagoons. These areas, with limited water circulation and abundant plant and animal life, are the most susceptible to damage from water pollution. The discharge of poorly treated wastes in such areas has caused fish kills, algal blooms, stagnation, foul odors, and the smothering of bottom-dwelling organisms. Some losses in offshore kelp beds may have also resulted from exposure to inadequately treated sewage.

Thermal Discharges. Thermal discharges have an effect on marine resources. Over three trillion gallons of seawater are used every year to cool power plants on the coast with the water then discharged back into the marine environment at warmer temperatures. Some species, among them kelp, cannot tolerate warmer water, and thus thermal discharges may have a serious adverse effect. Other marine organisms, however, may be enhanced by the warmer water. It is thought that this may be true of some mollusks suited to aquaculture. Little is known about the general effects of cooled water on marine life, although the potential for cooled water discharges from liquefied natural gas facilities does exist on California's coast. It is known, however, that reduced temperatures can be fatal to some organisms.

*Norris, K.S., et al. 1975. The Distribution, Abundance, Movement, and Reproduction of Birds, Cetaceans, and Pinnepeds in the Southern California Bight. BLM-OCS Program Progress Report.

Entrainment of Marine Life. Industrial and power plants that use seawater have had another more local effect on the marine environment; that is, the entrainment of marine organisms as water is drawn into the plant. Organisms that are typically entrained and usually killed include phytoplankton, zooplankton, fish larvae, and small fish.

Oil Spills/Construction. In addition to sewage discharges and thermal discharges, two other sources of water pollution have periodically affected coastal waters. First, several serious oil spills have occurred along California's coast resulting in losses to marine organisms and waterfowl as well as to recreational use of sandy beaches. In addition to impacts caused by oil spills, the activities associated with oil drilling may have both short and long term impacts if the facilities are sited too close to breeding and hauling out areas. These areas are considered extremely sensitive according to the EIS for Lease Sale 35 off Southern California.
"The greatest danger to marine mammals is disturbance of pinnipeds from drilling operations and from platform construction or onshore separation and storage facilities location on the islands near breeding and hauling out areas. Activities associated with platform installation, exploratory drilling and production operations off San Miguel and Santa Barbara Islands could cause significant reductions in sea bird populations and the potential elimination of sea lions, fur seals, and harbor seals from their principal breeding area in Southern California. The ultimate outcome of rookery abandonment is the elimination of pinnipeds from Southern California waters." (BLM, 1975)
Secondly, runoff from construction, grading, removal of vegetation, and other upland developments have resulted in abonormal silt loads that are damaging to marine resources. Estuarine areas are especially sensitive to sedimentation and have, therefore, sustained the greatest damage from silt-laden runoff causing a decrease in biological productivity.

While water pollution has been a serious consequence of urbanization in the State's coastal zone, the effects of water pollution on the marine environment can, nevertheless, be reversed. As sewage treatment is improved and the State's coastal waters become cleaner, affected organisms can reestablish themselves and the health of the marine ecosystem can be improved. Most of the damage sustained over the past 75 years by California's coastal wetlands, however, is a permanent loss. Of an original 197,000 acres of marshes, mudflats, bays, lagoons, sloughs, and estuaries along the coast (excluding San Francisco Bay),the natural productivity of 102,000 acres have been destroyed by dredging for ports and marinas or by filling for residential, commercial, or industrial development. Of California's remaining estuaries and wetlands, 62 percent have been subjected to severe damage and another 19 percent has received moderate damage. The effect has been even more serious in southern California where 75 percent of the coastal estuaries have been destroyed or severely altered since 1900. Healthy, undamaged wetlands are still to be found along California's coast, but they are relatively scarce when compared to their abundance at the turn of the century. At that time, the importance of marshes and mudflats as a nursery area and food source vital to all marine organisms and many bird species was not understood, and the easily filled, shallow wetlands were valued only for the development potential of "reclaimed land." The result has been that a once plentiful resource has become a scarce one, increasingly vulnerable,and increasingly in need of protection.

The California Coastal Management Program will maintain, enhance, and restore marine resources by protecting the biological productivity of the coastal waters, estuaries, wetlands, intertidal areas, and inland lakes and coastal streams. This protection will result from the controls placed on coastal development and uses of the marine environment. The Coastal Act provides, what must be termed a significant amount of direction to guide planning and development in the coastal zone and to some degree outside of the coastal zone. The policies focus on the end point of resources management, namely, biological productivity.

Coastal development permits will be subject to performance standards and criteria for development which meets the objectives and policies of the Coastal Act. The policies on the marine environment (Chapter 3, Article 4 of the Coastal Act) state that the biological productivity and optimum population levels of marine organisms should be maintained and restored when feasible through "minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams." (30231) It will be the responsibility of the Coastal Commission (and regional commissions), local governments, State and Federal agencies, and applicants for coastal development permits to see that the intent of these policies are met.

In addition to the policies in the Coastal Act, the Coastal Commission may designate special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part IV of the Coastal Plan as "sensitive coastal resources areas," which require zoning ordinances and implementing actions to be consistent with and protect those coastal resources (30116, 30502).

The coastal acquisition program will provide protection to significant wetland areas, habitat areas, and other areas sensitive to development pressures. This will act as a preventative measure to coastal protection rather than a reactionary one to development proposals.

Several sections in the Coastal Act deal with the problems associated with dredging, diking, and filling. Sections 30233(3), 30411, and 30607.1 deal with an approach to restoring coastal wetlands. These policies require the restoration of wetlands when new or expanded boating facilities desire a wetland location. If degraded wetlands are restorable, the boating developer is required to restore and maintain, as a biologically productive wetland, an area at least 75 percent greater than the area to be used by the facility.

Section 30607.1 requires that:

> "[W]here any dike and fill development is permitted in wetlands in conformity with this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value of surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed."

This requirement of providing a functional equivalent as a means of mitigating the destruction of wetlands by diking and filling, has been successfully practiced by the San Francisco Bay Conservation and Development Commission and has practically limited the amount of Bay filling to zero while permitting development to continue. While this provision does not restore wetlands to a greater amount than that which is to be used, it nevertheless slows down the wetlands degradation rate which has been previously discussed. Wetlands receive additional protection under Section 30255.

Under Section 15 of the Coastal Act, the Water Code was amended to protect water quality as it relates to the coastal marine environment. It requires that wastewater discharges must be treated and sets priorities for restoring past beneficial uses of the receiving waters by either improving or eliminating the discharges. Wetlands, estuaries, and other biologically sensitive sites are to receive the highest priority. Other policies deal with minimizing entrainment, placing restrictions on thermal discharges, requiring baseline studies to be conducted in potentially impacted sites, and encouraging the use of reclaimed water.

Oil and gas development have the potential for causing significant damage to the marine environment either temporarily or over a long-term. The policy of the Coastal Act is that any development or transportation of crude oil, gas, petroleum products, or hazardous substances must protect against any spillage of those substances, and there must be effective containment and cleanup facilities to provide for accidental spills. This is,of course,a problem area that transcends all levels of government and the population, even though the major responsibility for regulating tanker traffic, oil spill cleanups, etc., rests with the Federal government.

The dependency and interdependency between the land and the sea is well recognized by the Coastal Act. There is always concern that decisions to be made on something as complex as the coastal environment are only as good as the data received on which the decisions are made. The funding provided by the CZMA is meant to help the States improve their decision-making, and it is important to recognize that local governments will need the best information available to update their general plans and make permit decisions.

During recent years, much attention has been focused on the protection of marine mammals. Major baseline assessments and studies conducted by the Bureau of Land Management have shown the potential problems of OCS related activities to the habitats of the pinnepeds and other marine mammals. Controversy has arisen over the proper management of sea otters and whales. Federal legislation in the form of the Marine Mammals Protection Act of 1972 expressed national concerns and interests in the protection of certain species that were in danger of extinction of significant depletion. This legislation emphasized that it was important to strive for optimum sustainable populations of certain species and this could be accomplished through minimizing man's adverse impacts, protection of the rookeries, mating grounds, and areas of similar significance, and by maintaining the health and stability of the marine ecosystem.

The CCMP is a comprehensive program that embodies these general principles as well as many others. California's concern for the marine environment is expressed not only in legislative intent and policy but in management as well. This is shown through the following provisions of the Coastal Act and the responsibilities of the State agencies.

(1) Legislative findings (Section 30001) recognizes the coastal zone exists as a delicately balanced ecosystem, that permanent protection is a paramount concern, and that it is necessary to protect the ecological balance in order to promote marine fisheries and other ocean resources.

(2) Legislative goals (Section 30001.5) declare that it is not only important to protect and maintain the quality of the coastal zone environment but it should be enhanced and restored where feasible.

(3) The legislature declared (Section 30007.5) that where conflicts over resource uses exist, such conflicts will be resolved in a manner which on balance is the most protective of significant coastal resources.
(4) The following major policies of the Coastal Act apply to the concept of protecting the habitat and the overall ecosystem of the marine environment: 30230, 30231, 30232, 30233, 30235, 30236, 30240, 30210, 30250, 30260, 30261(a), 30262(d), 30263(a). There are other policies and standards which would apply usually such as some of the Port policies and Section 15 on water quality.
(5) Chapter 5 of the Coastal Act directs State agencies to carry out their duties and responsibilities in conformity with the Coastal Act (30402). Attachment I has been included in this FEIS to show how one such agency, the State Lands Commission, has added new regulations which apply to development on all State lands. These regulations reflect the Coastal Act policies with regard to the responsibilities of the State Lands Commission. In addition, as was stated earlier, the Department of Fish and Game carries out the provision of the California Species Preservation Act.
(6) Local governments are also addressing the issues of the marine environments. Attachment F contains the proposed work program for Santa Barbara County and serves as our example of local government concern and proposed actions. While most parts of a work program are interrelated, see in particular pages F-10, and F-27 and F-28.
(7) The provisions of the State Coastal Conservancy Act (Appendix 2) can be applied to the protection, enhancement and preservation of coastal resources (see Chapters 5, 6, 7, and 8).

Based upon the objectives, policies, authorities, directives, and guidelines presented in the California Coastal Management Program, it appears that the Program is a program of substance and has an adequate process to bring about net beneficial environmental impacts to the marine environment as some of California's resources will be restored and other protected on a long-term basis.

d. The Land Environment

The coastal land environment is a combination of the soils, air, plants, animals, minerals and water courses as they are affected by or themselves affect the ocean -- from the pounding surf line to the quiet inland valleys where the coastal fog influences plan species and growth. Along much of the coast long stretches of sandy beach and rugged rocky shore give way to coastal bluffs which rise abruptly to the level of the coastal plain, and the gentle land of the marine terrace gives way to hillsides and canyons and then to the mountains of the coast range.

The coastal land environment includes unique wildlife habitats on sandy beaches and coastal bluffs immediately along the shorelines and further inland on upland terraces, hillsides and canyons. The State's sandy beaches serve as a habitat for hundreds of thousands of shorebirds annually, with many of them staying through the winter and moving north to breeding grounds during the summer months. Beach areas are especially critical to the survival of the snowy plover and the least tern. The rocky shoreline and coastal bluffs provide a special ecological niche for some birds. A 1970 study by the California Department of Fish and Game found that 133,000 pairs of birds were nesting on 37 major seabird rookeries located on coastal rocks, along with an undetermined number nesting along rocky stretches of the mainland shoreline. Large numbers of cormorants and gulls, along with pigeon guillemots and black oyster catchers are representative occupants of such communities. The rocks and islands of California's coast also are important breeding grounds for marine mammals such as seals and sea lions.

Upland areas provide habitats for a variety of birds and mammals, most of which range over coastal and upland areas. For instance, large numbers of brush rabbits, snipe, quail, pheasant, grouse, deer, elk, and bear also inhabit the coastal uplands. A few animals are restricted to these coastal uplands.

The rich soils of the coastal zone and certain climate conditions are also important in sustaining commercial timberland located primarily on the State's north coast. Timberlands constitute a valuable natural and economic resource, serving as a wildlife and fisheries habitat and having great scenic and recreational potential. Timberlands also help to protect watersheds from erosion and excessive runoff.

Management Issues

Natural Habitat Areas. Substantial destruction of natural areas along California's coast has been caused by such factors as expanding urban development, the noise and pressure of recreational activities, alterations of vegetative cover, and the indiscriminate use of pesticides. These activities are reducing the habitat areas available to all plants and animals and are threatening some species and some unique communities, which can exist only in limited areas, with extinction. The continued existence of abundant and varied life forms on the coast depends upon proper safeguards for whole living communities as well as for plant and animal habitats. An especially serious problem in coastal zone wildlife management is the degradation or reduction of wetlands, tidepools, and dunes -- the narrow and often fragile transition zone between marine and terrestrial ecosystems.

Forest Resources. In the past, unsound forest management practices, conversions of timberland to other uses such as residential development or agriculture, and site dominance by non-commercial successional species have contributed to the decline in the historical timber inventory in California. Land divisions have often produced small uneconomic parcels that force the harvesting of timber when it is not desirable.

Soils. Improper land use practices during construction, site locations, and the removal of the vegetative cover have caused accelerated erosion having ramifications to wildlife, human uses of the environment and aesthetics. Blufftop erosion is caused by not only natural processes but human activities as well.

Stream Alterations. The alterations to coastal streams have resulted in damage to coastal resources as well, including salmon and steelhead trout, that are dependent on coastal streams in their life cycles. The abundance of these two important species has declined over the last 30 years by at least 50 percent as a result of damage to upstream spawning and nursery areas. This damage has been caused by dams that do not provide adequate fish bypass facilities or that flood large spawning and rearing areas, water diversions and stream channelizations, sand and gravel mining from streambeds, grading or logging operations that cause habitat-smothering erosion or siltation along streambanks, land fills, removal of shade vegetation that bring increased water temperatures, and discharges of toxic, thermal or organic pollutants into habitat streams.

The California Coastal Management Program will protect habitats of many of the species mentioned from further degradation due to development and increased recreation pressure. The Coastal Act recognizes that some habitats need more stringent protection than others.

> "(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
> "(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas." (30240)

The Local Coastal Program Manual describes "environmentally sensitive areas" as:

> "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments(30107.5), including: areas of special biological significance as identified by the State Water Resources Control Board; rare and endangered species habitat identified by the State Department of Fish and Game; all coastal wetlands and lagoons; all marine, wildlife, and education and research reserves; nearshore reefs; tidepools; sea caves; islets and offshore rocks; kelp beds; indigenous dune plant habitats; wilderness and primitive areas."

The coastal zone boundary was extended inland to include significant habitat areas(see Reference 2) for a description of these inland extensions). This places these areas under the interim permit jurisdiction of the Coastal Commission and subsequently under the protection of certified local coastal programs. In addition, many of these special habitat areas can be designated as "sensitive coastal resources areas." Once again, the adequacy of this whole process may depend largely on the quality of the information and data which is incorporated into the general plans of local governments and the information available to the Coastal Commission and regional commission on which to judge the adequacy of coastal development permits. The coastal acquisition program will add additional acreage under protected status. The Coastal Act requires that sensitive habitat areas be protected from recreational demands when such demands create an overuse of the area and are environmentally damaging to the resources.

The Program will minimize the risks to life and property in areas of high geologic, flood, and fire hazard as well as assure stability and structural integrity of new development projects. (30253) The impacts associated with the types of control required to meet these policy directives will have a beneficial effect on natural resources and will provide direct benefits to development, home owners, and other applicants. The Interpretive Guidelines show that there will be some restrictions on development in floodplains, certain sloped lands, and shorelands that may be subject to tsunami inundation, to name a few.

All of the policies and guidelines presented in the California Coastal Management Program are intended to make the construction of new developments environmentally sensitive. The Program will restrict certain land uses within specific geographic areas, directly or indirectly guide growth and development in other areas, and requires that if development must take place, it do so with the least damage to the environment. Sometimes, special direction is given in the Coastal Act such as Section 30254 which states the legislative intent to keep State Highway Route 1 in rural areas as a scenic two-lane road, and effectively restricts new or expanded public works facilities from creating a growth pattern which would make the road no longer functional. This will add extra protection to the natural environment as well as protecting the scenic views from strip development.

Section 30243 provides for the long-term productivity of soils and timberlands. The policy was designed to prevent the conversion of timberlands to noncommercial sizes and uses which impact the timber industry. "Special treatment areas" may be designated by the Coastal Commission to protect the natural and scenic qualities of some of the forest areas within the coastal zone (30118.5 and 30417). While the designation of such areas would mean a long-term committment of timber resources to protecting the natural and scenic values of those resources, it is not an irrevocable committment since what is mainly affected is the regulation over forest practices in these areas (buffer areas, road construction, selective timber-harvesting, etc.).

Additional beneficial impacts to the land environment will result from the incorporation of air and water quality standards, limitations on channelizations, dams and other substantial alterations of coastal rivers and streams, development which decreases energy consumption and vehicle miles traveled, and appropriate siting of large-scale facilities.

e. Visual

Perhaps the most apparent impact of human activity on the coastal zone has been a visual one. In some areas the visual resource remains natural, and in others development has respected the special visual qualities of the coastal environment, but some of the coastline has been degraded by poorly designed development. In these areas there are buildings that are obtrusive, being inappropriate to nearby landforms and inconsistent with the pattern and scale of existing development. There are signs and overhead utility lines that block views and create visual clutter. There are visual scars left by cutting, grading, filling, and vegetation removal, and this is often accompanied by the erosion that results from the alteration of natural landforms. There are, also, inadequately landscaped developments that detract from their natural setting rather than being enhanced by it.

The California coastal zone as a visual, educational, and aesthetic resource is of considerable worth. The Coastal Act's policies on protecting visual resources and special communities (30251, 30253(5)) will provide long-term benefits, and will not be an irretrievable committment of resources. While individuals may resent the permit process regulating the siting characteristics for development (design standards, location, landscaping, etc.) the Coastal Act's policy recognizes that scenic and visual qualities are resources important to the public as well as the economy of the State.

f. Historic Properties

Consistent with the intent of the National Historic Preservation Act of 1966 and Executive Order 11593, provisions in both the CZMA and the California Coastal Management Program require full consideration be given the historic values of coastal resources and properties.

The CZMA states "(i)mportant ecological, cultural, historic, and aesthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost" (Section 302(e)), and therefore, it is the national policy "to encourage and assist the States to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources giving full consideration to ecological, cultural, historic, and aesthetic values as well as needs for economic development" (emphasis added) (Section 305(b)).

The California Coastal Management Program gives recognition to the importance of historic (including archaeological and paleontological) resources and provides policies and direction for their protection. Section 30244 states: "(w)here development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required." The Coastal Act also recognizes the importance of scenic resources which in many cases are properties of historic interest such as Fort Ross (Sonoma County), El Castillo (Monterey County), and the historic scenic headland of Point Dume (Los Angeles County). It is the intent in many of these types of areas to integrate the management of these historic and archaeological resources with recreational and educational uses of the coastal environment when they are consistent with resource protection.

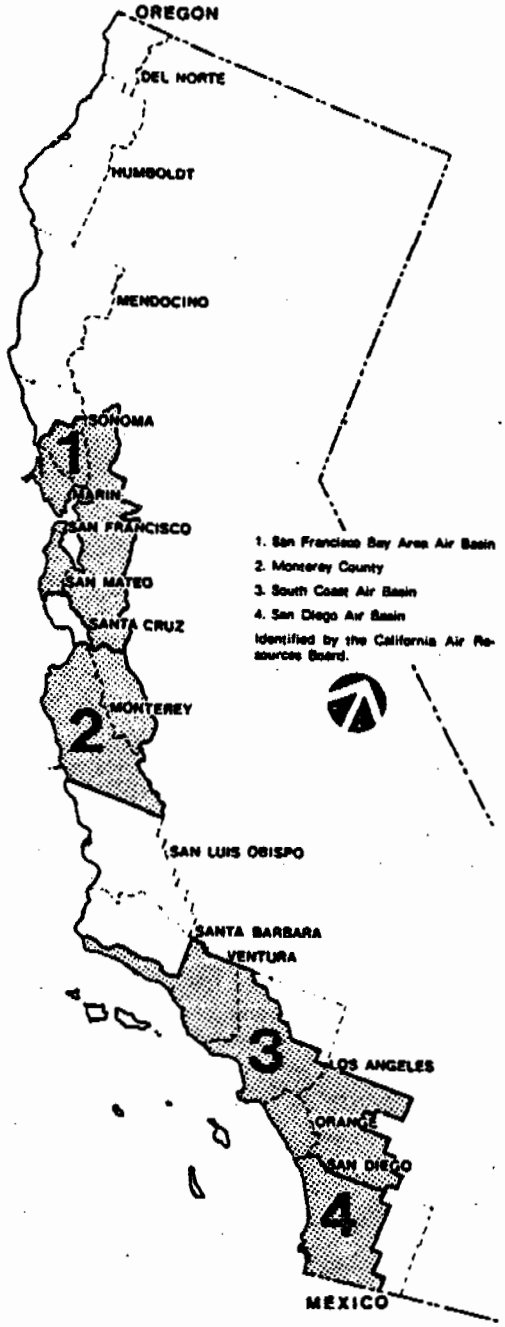
The State Historic Preservation Officer, citizen interest groups, and others will provide valuable information to local governments so sites can be identified in the general plans, and through this process of site identification, incorporation, and protection, it is believed the provisions of the National Historic Preservation Act will be achieved.

g. Air Quality

Air quality varies greatly among different sections of the coast. Pollution sufficiently severe to damage human health occurs in some locations (generally urbanized areas with adverse meteorological and topographic conditions) and contrasts with clean air in others. Certain areas of the State where the national ambient air quality standards are not expected to be achieved by 1980 or to be maintained through 1985 have been designated as Air Quality Maintenance Areas by the California Air Resources Board. Designations were based on the following criteria: (1) areas where the standards are currently exceeded and are not projected to be achieved by 1980, (2) areas currently meeting the national standards in which increased emissions are expected to cause a violation of the standards before 1985, and (3) in the San Francisco Bay Area and South Coast Air Basins, the entire air basin, if any county in the basin meets the criteria above. Coastal areas or air basins designated by the State include the South Coast, San Francisco Bay Area, and San Diego Air Basins, and Monterey County (see Figure 5).

FIGURE 5.

Coastal Air Quality Maintenance Areas



Air pollutants originate from many sources. Motor vehicles constitute the single largest source of nitrogen oxides, carbon monoxide, and organic gases; industry, including fossil-fueled electricity-generating plants, is the chief source of sulfur dioxide. Suspended particulate matter comes from mining, agricultural, and lumber operations, as well as from motor vehicles, incineration and the combustion of fuel. Air pollution from the flushing out of oil tanker compartments with sea water after unloading has become a problem in some areas and is currently a focal point of the controversial SOHIO project. All these are in addition to mutual pollutants such as dust and salt water particulates.

Several distinct meteorological aspects of the coast affect air pollution problems. Temperature inversion layers, which trap pollutants by stopping upward air movement, tend to occur more frequently, at much lower levels, and last longer into the day along much of the coast, because of high pressure centers off the Pacific Coast or land-water temperature differentials. Land-sea breezes are caused by the temperature differential between the land surface and the ocean surface, on both a daily and seasonal basis. These breezes may push pollutants back and forth without dispersing them throughout a larger area, especially where the topography helps trap pollutants and when winds are relatively weak, as they are in winter. During the summer season, the fog and low clouds along the coast usually prevent formation of photochemical smog, but as winds move the air inland, pollutants produced in the coastal zone can contribute to severe smog at inland locations where the pollutants react with sunlight. Sulfur dioxide pollution is more dangerous in coastal fog areas, where chemical reactions can produce a weak solution of sulfuric acid, injurious to human, animal and plant health, and damaging to many materials.

Air pollution limits specifically set to protect human health are now being exceeded in some locations along the coast, creating not totally quantified but very real damage and human suffering. Studies made under Environmental Protection Agency (EPA) auspices are increasingly quantifying the detrimental effects upon health of air pollution levels even under existing secondary standards. In addition to the impacts on human health, the extent of air pollution damage to wildlife and vegetation (including native plants, forests, landscaping, and agricultural crops) is also increasingly being documented. A statewide study estimates crop losses alone from air pollutants in 1970 to be almost $26 million, not including invisible damage.

The location and intensity of air pollution concentrations greatly influence its effect. Studies suggest intensive transportation corridors are major sources of concentrated vehicle emissions creating a special hazard for humans, wildlife, and plants located nearby. When freeways encourage a net increase in vehicular mileage, they also add to total air basin pollution. Buildings also affect pollution dispersal, generally slowing wind speed over urban areas and modifying wind patterns within particular building masses.

The problems associated with air pollution transcend the boundary of the coastal zone as the air quality maintenance areas clearly show. And while the activities within the coastal zone cannot be singled out as the major sources of pollution, they nevertheless play a significant role. Energy facilities requiring coastal waters for cooling, intensive recreation uses which concentrate traffic, ports and the problems of flushing of oil tanker compartments, much of the downtown commercial areas being located close to the shorefront, all add to the air quality impacts to the residents living throughout the air basin. Therefore, the air quality standards may often be the limiting factor in the coastal decision-making process.

Present regulation of air pollution in California is shared among local Air Pollution Control Districts, the State, and the Federal government, and is coordinated by the State Air Resources Board. Present regulations focus on limiting pollutants emitted from stationary and vehicular sources. The California Coastal Management Program provides for the incorporation of air quality standards promulgated by various State agencies in the following ways:

(1) The Coastal Act acknowledges the primary responsibilities of the State Air Resources Board, denies the Coastal Commission any right to modify ambient air quality or emission standards and allows the Board and local air pollution control districts to recommend to the Coastal Commission ways their programs can complement or assist in the implementation of air quality programs (30414);

(2) The Coastal Commission cannot certify a local coastal program unless it provides for at least the same degree of environmental protection established by the State's environmental agencies (30522); and

(3) New developments in the coastal zone must be consistent with the requirements imposed by an air pollution control district or the State Air Resources Board.

The Coastal Act has three major policies dealing with air quality. Section 30252 encourages energy conservation by locating new development in such a way as to encourage and allow for mass transportation to public accessways. Section 30254 shows the legislative intent to keep State Highway 1 in rural areas of the coastal zone as a scenic two-lane highway, thereby keeping traffic to a minimum and not inducing new developments. Section 30263(b) deals with new or expanded refineries and petrochemical facilities in air quality maintenance areas and the possibility for gaseous emission trade-off possibilities in order to maintain State and national ambient air quality standards.

As was mentioned before, air quality requirements may be the limiting factor in many cases, especially for large-scale facilities which may be sited in urban areas and air quality maintenance areas. Section 307(f) of the Coastal Zone Management Act requires a State to incorporate in its coastal management program those requirements established by State, regional or local governments pursuant to the Federal Clean Air Act, as amended. This section is intended to assure the coordination of air quality and coastal zone management programs and to assure that coastal zone management programs will not supersede or interfere with the air quality requirements established pursuant to this Federal law.

Air quality requirements which have been approved according to the procedures set forth in the Clean Air Act are considered as one important input to a State's deliberations to adequately consider the national interest in the siting of facilities which are other than local in nature (Section 306(c)(8) of the Coastal Zone Management Act). The air quality standards are incorporated into the California Coastal Management Program and, under Federal law, cannot be legally overriden by the Coastal Commission. Therefore, where major impacts are associated with decisions carried out pursuant to air quality as a limiting factor, such as those affecting national interests, the economy, or regional benefits, these impacts cannot be attributed to the State's coastal management program or the Coastal Zone Management Act. The impacts derived from air quality decisions must be associated with the Clean Air Act and state, regional, and local standards adopted pursuant to this Act. This incorporation complies with the statutory mandate of Section 307(f) that, notwithstanding any other provision of the CZMA, the primary pollution control mechanism in the coastal zone is the air quality requirements established by State or local governments under the Clean Air Act and the Federal Water Pollution Control Act. A State's coastal management program is not required or authorized to provide a means to balance the national interest in clean air against the national interest in energy facilities. In enacting Section 307(f), Congress specifically determined that a State's coastal program could not adversely affect the air quality standards promulgated under the applicable Federal law. Even if these standards are more stringent than Federal standards, they must be a part of the state's coastal zone management program. This is permitted not by the CZMA, but by virtue of the authority reserved to the States in the Clean Air Act (Section 116) to adopt more stringent emission standards. The CZMA does not provide NOAA with any discretion to require a State to impose less stringent pollution standards that it already imposes. In a letter received from the Federal Environmental Protection Agency in response to the request for comments on the revised DEIS, they found that the California Coastal Management Program appropriately incorporated the Federal air and water quality standards and that local coastal programs will require new development to be consistent with the plans and policies of the State regulatory agencies. In turn, the State agencies would support the Coastal Commission's management program to protect the coastal marine environment.

3. Industrial and Energy Development

Industrial and energy facility developments and their impacts sharply focus the issues surrounding the scope and nature of this "program statement." Some reviewers have held that the revised DEIS totally failed to evaluate the impacts of approving the California Coastal Management Program in a scientific and interdisciplinary fashion. The "third order" impacts of NOAA approval of the State's management program, which in turn reviews specific development projects, are inherent in the proposed action. This situation caused NOAA to review CEQ guidance on the matter.

The 1975 CEQ evaluation of the impact statement process[1] contains a discussion of the program statement. Essentially, program statements as then understood, ". . . may be necessary to assess the effects of individual actions on a given geographical area (e.g. coal leases), to assess environmental impacts that are generic or common to a series of agency actions (e.g. maintenance or waste-handling practices), or to assess the overall impact of a large-scale program or chain of contemplated projects (e.g. major lengths of highways, as opposed to small segments)." The EIS process as it applies to the California Coastal Management Program does not correspond directly to any of these examples, but appears to equate most closely with the first example.

In assessing under NEPA whether or not to award approval, NOAA must also be guided by the following relevant statement in the CEQ regulations: "The purpose of this (102(c)) assessment and consultation process is to provide agencies and other decision-makers as well as members of the public with an understanding of the potential environmental effects of the proposed actions, to avoid or minimize adverse effects wherever possible, and to restore or enhance environmental quality to the fullest extent practicable" (40 CFR 1500.2, "Policy"). The object of the impact review in the California Coastal Management Program, is not a project or series of projects, but a water and "land use program, including plans, policies and controls for the affected area" (40 CFR 1500.8(a)(2)), which, in the more usual NEPA review, is a necessary subject of consistency assessment prior to Federal decision-making. In this case, particularly as it relates to industrial and energy development, the evaluation of impacts must rely heavily upon the reasonableness of California Coastal Management Program plans, policies and controls -- within the framework of NEPA -- as the basis of review.

As a necessary introduction to the discussion of facility impacts, it is, therefore, appropriate to set forth the California Coastal Management Program's relationship to NEPA objectives:

- CCMP review of industrial and energy facilities is based, in part, on the same balancing policies contained in NEPA and the CZMA. For example, the Legislature declared, among other balancing policies: "The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature, therefore, declares that in carrying out the provisions of this division, such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources." (Sec. 30007.5)

- Specific impacts of major industrial and energy developments will be subject, under California law, to review not only under CCMP policies, but also the Environmental Impact Report system designed, in large measure, as a counterpart to NEPA.

- The particular siting decisions and impacts evaluation, that NOAA is admonished to refrain from, are an integral part of the CCMP.

- To the extent that this is a generic NEPA review of CCMP policies and impact procedures, the reasonableness and conformance of the CCMP to NEPA and CZMA policies becomes a critical focus of analysis.

Given these relationships,three levels of inquiry are appropriate for NOAA's assessment of impacts stemming from the approval of the industrial and energy facility planning and siting policies and procedures established by the CCMP. These are discussed below.

The following discussion of impacts is directly related to the discussion of national interest considerations "involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, such State's coastal zone)" (306(c)(8)), discussed in Part IV of the EIS, and in Chapters 9 and 11 of the CCMP.

a. Impacts of NOAA Approval and Funding of the State's Program, Based on a Finding that it has Met Section 305(b)(8) Requirements of the CZMA:

If approved, California will be the first State in the national CZM program to meet the new requirements of the CZMA, Section 305(b)(8), added by the 1976 amendments. This section of the Act states:

"The management program for each coastal state shall include . . . a planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities."

NOAA regulations (15 CFR 923.19) establish that this process should include, at a minimum, the following elements:

(1) a means of identifying energy facilities which are likely to be located in or which may significantly affect the coastal zone,

(2) a procedure for assessing impacts for such facilities,

(3) development of State policies and other techniques for the management of energy facility impacts, and

(4) a mechanism for coordination and/or cooperative working arrangements, as appropriate, between the State coastal management agency and other relevant State, Federal and local agencies involved in the energy facility planning and management.

Chapter 9 of the CCMP, the California Coastal Act (Appendix 1), and the materials in support of Chapters 9 and 11 (Attachment G) fully demonstrate that the CCMP meets the requirements of these sections of the CZMA and NOAA regulations, without further demonstration in the EIS.

As the first program to be approved under Section 305(b)(8), the California energy facility planning process could be viewed by other States as establishing an example of how the NOAA requirements are to be met.

It should be clear in the CZMA and NOAA regulations that OCZM does not consider the approval of one State, under any of the provisions of the Act, as establishing a precedent or a model for other States. Each State program is likely to be unique, as are each of the planning procedures developed by the States in meeting the 305(b)(8) requirements. The regulations, together with the CZMA, establish the intent and minimum standards by which other States will be assessed by OCZM.

However, California does present an example of how certain issues of concern to other States and affected interest groups are dealt with in the general context of the NOAA regulations. These include, among others, the extent to which States are expected to project energy needs for the State, the coastal zone, or the State's share of the national needs; the extent to which States must have the authority to affirmatively override local land and water use regulations in siting energy facilities; the extent to which a single State agency must consolidate all authority for energy facility siting; and the extent to which affirmative siting policies must be provided on a geographically specific basis.

A discussion of the impacts associated with these issues is beyond the scope of the approval action for a particular State program. These issues are generic to the NOAA regulations, which articulate these standards and provide NOAA administrative clarification to Congressional actions.

On the other hand, if for reasons beyond the control or direction of OCZM, other States were to assume that the California 305(b)(8) process represented the standard by which other States could be judged for program approval, the Congressional intent in adding this section to the CZMA would be met, in an exemplary manner. As Chapters 9 and 11 and Part IV of the CCMP/EIS indicate, the California energy facility planning and siting process fully meets and exceeds the NOAA requirements to identify facilities, assess impacts, and develop policies and coordination and working arrangements. As the above parts (and Attachments) of the document show, this process also provides for adequate consideration of the national interest in such facilities.

The Federal consistency provisions of the Act add assurances to this process that Federal decisions will not frustrate the State's policies and procedures, but will create better coordination and cooperation among all levels of government toward the common objectives of better resource management and increased supplies of energy resources. The Federal consistency procedures could, however, create additional time delays in the processing of energy facility applications, if, for example, an applicant wished to exhaust all avenues of appeal of a State's consistency determination to the Secretary of Commerce and/or the courts. Because the State has parallel authority under the Coastal Act to approve or deny energy facilities in or affecting the State's coastal zone and Section 307(e) of the CZMA assures that a Secretary of Commerce opinion on a consistency matter cannot compel other Federal agencies or the State to issue permits pursuant to other State and Federal law; cases of such appeals to the Secretary or the courts are expected to be rare. It is more likely that the 305(b)(8) and 307 provisions of the CZMA would work together to provide greater certainty and predictability for those applying for energy facility permits, and eventually speed up the permit procedure. The California

needs will be accommodated in local coastal programs, future unanticipated needs can be accommodated by changes in local plans and controls, and that various levels of government will coordinate their permit decisions and planning with the same comprehensive and coordinated standards.

Additional funding available for this process after approval will further enhance the ability of the State to advise local government (through a special team of energy experts) on the energy facility needs for the State and Nation, on common approaches to accommodating these needs in local coastal programs (which should further enhance predictability), and on energy facility siting standards for approval of local coastal programs and permits. This funding will also assist the Commission in enhancing the level of expertise and information that can be brought to bear on permit evaluations for regional and State coastal development permits, thus improving the factual basis for Commission decisions.

b. Potential Impacts from Energy and Industrial Facility Planning and Siting Procedures

General

Energy facility planning and siting in California is conducted by several agencies of the State, as described in Chapter 9, including the California Coastal Commission, the State Energy Commission, the Public Utilities Commission, and the Governor's Office of Planning and Research. The impacts of the planning and siting procedures used by each of these agencies are relevant to this EIS only to the extent that these agencies' procedures are modified by, or conducted pursuant to, the California Coastal Act or the CZMA. For example, the impacts that could be attributed to the procedures of the State Energy Commission in revising or approving a thermal power plant project are relevant, only to the extent that the Federal consistency determination would be made by this Commission, pursuant to Chapter 10, Section 6 of the Coastal Act.

The California Coastal Commissions and other State and local agencies have an extensive record of planning for and siting energy facilities in the Coastal Zone, and allowing for the development of oil and gas, solar, geothermal, and nuclear energy resources. Nearly one million barrels of oil per day are now being produced from California. The OCS off of Southern California is currently being developed and supported by onshore facilities and services (see Maps of OCS Related Facilities, Attachment G). A substantial number of energy related industrial facilities exist within the Coastal Zone, and these are encouraged to expand, through special provisions in the Coastal Act. (30260)

Since 1972, the Coastal Commissions, established under Proposition 20 and the California Coastal Act of 1976 have received and acted upon eight (8) energy related projects which could be considered to have major regional and/or national significance. These are listed below along with the disposition of these applications by the Coastal Commissions.

MAJOR ENERGY FACILITIES - COASTAL COMMISSIONS ACTIONS

1972 - 1977

Date	Name	Disposition
1973	• Moss Landing - Fuel Storage Tanks Pacific Gas and Electric	Approved (with conditions)
1973	• Terminal Island - Power Plant (Fossil) Southern California Edison Co.	Approved (with conditions)
1973	• San Onofre - Power Plant (Nuclear) Southern California Edison Co.	Approved (with conditions)
1974	• El Segundo - Refinery Standard Oil of California	Approved (with conditions)
1975	• Encina - Power Plant (Fossil) San Diego Gas and Electric Co.	Approved (with conditions)
1975	• Platform Holly - Santa Barbara ARCO (State waters)	Denied[1]
1975	• Los Flores Canyon - Santa Ynez EXXON Corp. (OCS Platform)	Approved[2] (with conditions)
1977	• Ellwood - Onshore Petroleum Facilities ARCO	Approved (with conditions)

[1]Denied on basis that only part of total project was applied for -- court ruled State did not have jurisdiction (vested rights)

[2]Initial conditions were unacceptable to EXXON; conditions being renegotiated with assistance of Joint-Government Industry Task Force (see Attachment G)

Pending before the Coastal Commission at the present time are applications for a major oil transshipment terminal proposal by Sohio at Long Beach and three applications for alternative LNG processing plants at Terminal Island, Oxnard, and Point Conception.

Only one of the major energy projects proposed in the history of coastal management in California has been denied. The Platform Holly denial was based on an application which only included the drilling of wells in State waters, and did not include onshore developments which would have resulted from approval of the permit. After denial, in a separate court action brought by ARCO, the court permitted the development to proceed because of the lack of Coastal Commission jurisdiction over the activity due to vested rights that had been established.

All of the other major projects were approved by the Commissions, with conditions that were accepted by the applicants, except for the EXXON Santa Ynez unit. The initial conditions on this approval were unacceptable to EXXON. As discussed later, these conditions on the Santa Ynez unit are under renegotiation between the State, the Department of Interior, other affected State and local agencies and the industry.

Of particular relevance to the impacts of approval of the CCMP, is the fact that all of these decisions of the Coastal Commissions, with the exception of the approval of the Ellwood facility, were based upon the citizen passed initiative, Proposition 20, which was considerably more stringent and less balanced to favor environmental preservation, than the Coastal Act. Proposition 20 had few policies encouraging water dependent industrial development nor did it have as favorable procedures for such development as those cited in Chapter 9.

This history of energy facility siting decisions, within the context of coastal management in California, provides evidence contrary to the claims made by some reviewers of the DEIS, that California is hostile to energy facility and OCS development. This is not to deny that there have been some negative impacts associated with these previous decisions of the Coastal Commissions. These procedures have no doubt resulted in costly delays in construction and operation of such facilities due to permit procedures, hearings, appeals, litigation, and the related work necessary for preparing plans, applications, appeals, etc. These delays may have resulted in higher construction and operating costs, higher costs of the services to consumers, and a marginal cumulative impact on the overall economy of the State due to lost jobs, inflation, etc. In the short term, it could even be argued that certain of these costs associated with development of large scale energy facilities will carry over to the impacts of the new Coastal Commission.

However, most large energy facilities of the nature of those listed above require many local, regional, State and Federal permits; involve lengthy environmental impact studies and other materials and plans prior to the development phase. The California coastal permit is typically only one of many such permits, therefore the relative impacts associated with these past actions, which can be projected to future CCMP actions, may be minor. Furthermore, the environmental and economic impacts of these types of actions were assessed in general terms, considering on the balance, the benefits that might accrue to conditions placed on approved projects (to protect valuable natural resources, and mitigate negative community, economic, and environmental impacts) and to changes that were made in the design of projects prior to submission of applications in response to the Proposition 20 and Coastal Act policies. It is anticipated that these benefits will outweigh the costs of the process of seeking permit approvals under the CCMP, although there is no way that this can be precisely measured.

The California Coastal Act has established several procedures for planning and siting major energy related industrial facilities. Although it is not possible to accurately predict the impacts of these new procedures, a few potential impacts deserve to be mentioned, in response to comments received on the DEIS.

(1) Preparation of Local Coastal Programs -- the adequacy of consideration given to energy facility needs:

Comments received on the draft EIS have caused a reassessment of whether local coastal programs will adequately identify energy facilities needed in the coastal zone, provide for a procedure for assessing impacts of these facilities, and incorporate State policies for these facilities. OCZM also evaluated the concern as to whether through Federal consistency, the local coastal programs, and the Local Coastal Development Permit (assumed by local government after LCP approval) could "shut out" energy facilities or prevent OCS related development in the coastal zone. The following parts of the CCMP include guidance to answer these concerns:

- Local Coastal Program Regulations (Appendix 5) require that general categories of uses of more than local importance, including but not limited to, "major energy facilities", "transportation facilities", and "general cargo ports" shall be considered in the preparation of local coastal programs. (00041(a))

- Local Coastal Program (LCP) regulations also require the Commission to make recommendations as to specific uses of more than local importance as part of the Interpretive Guidelines, or as a part of its review of the local government "issue identification" (developed pursuant to public hearing requirements). (00041(b))

- The Local Coastal Program Manual (Attachment A, Part II, N) includes a LCP checklist of elements of the:(1) Land Use Plan, which includes energy policy categories of the Coastal Act, designation of appropriate land use categories for industrial and energy facilities, and designation of overlay areas for potential future amendments to the LCPs,and (2) background information which includes existing energy facilities in the coastal zone, expansion plans and proposals by industry, currently zoned lands, assessment of environmental, economic and access impacts of industrial and energy facility development proposals.

- The LCP Manual lists as sources of information,the State and Federal energy agencies, electric and gas utilities and oil companies.

- As an example of a local coastal program work program, Santa Barbara County (Attachment F) includes as an objective: "assure that energy concerns and potential impacts are adequately addressed...", and includes as work elements: "Contact oil companies (30 companies) and request information about future development in the Coastal Zone." It should be noted that Santa Barbara County is one of the more active industrial development areas in the State due to the oil development in the channel and the potential LNG ports in the county.

- Local Coastal Programs, when completed must be approved by the State Commission, based on coastal policies which encourage coastal dependent industrial development (30260) and indicate that oil and gas development shall be permitted (30262) under conditions of the Act.

- The Coastal Act (30515) authorizes any person proposing an energy facility development to request any local government to amend its certified LCP to meet public need larger than the plan area that had not been anticipated in the development of the plan. Under certain conditions, and after balancing the social, economic and environmental effect, the State can amend a Local Coastal Program in the public welfare.

This analysis supports a conclusion that Local Governments are required to plan for and adequately consider the needs of energy facilities in the Local Coastal Programs.

Further assurance that energy facilities necessary to the public welfare of the State or Nation will not be precluded by local government, is provided by Section 30603(a)(5) of the Coastal Act which provides for appeal of local actions to the commission after local program certification for a major energy facility, upon certain grounds, including failure to provide public or private commercial use or interferes with such uses.

The impact of the Local Coastal Program development and approval process should be generally positive in terms of the energy industry. They will have a direct influence over the content of these local plans, their growth needs will be fully considered, and they will be able to know, in advance, where sites suitable or unsuitable for industrial development and expansion are located. Thus their growth and development plans and projections will be more predictable. Even in the interim period when local plans are being prepared, the policies and standards of the Coastal Act, the priority acquisition sites for the Coastal Conservancy, and the procedures for speedy consideration of major energy facilities by the Coastal Commission (e.g. the "call up" procedures of Section 30333.5) all provide greater predictability, and a sound basis for project planning and scheduling to help in industry projections.

(2) Siting procedures for LNG Facilities

New supplies of natural gas are critical to California's economy. Unless new supplies are found, industry and business currently dependent on gas as a clean source of fuel will be severely affected, particularly in Southern California where alternative sources of fuel may be precluded due to air quality regulations. Projections by the industry indicate that by the early 1980's major new sources of gas must be supplied to these businesses and industry if major unemployment and loss of production is to be avoided. The State of California is committed to finding these additional sources. Liquified Natural Gas (LNG) imports from Alaska, Indonesia and other countries in a potential major source of that new supply, which is reflected in the policies and procedures of the Coastal Act.

In recognition of this critical issue, several bills have been introduced in the California Legislature and are being debated at the present time. If these bills result in a change in the policies or procedures outlined in the CCMP these will be reflected in amendments or refinements to the program.

Until such time, the existing policies and procedures of the Coastal Act reflect the State's response to this coastal related issue and must serve as the basis for NOAA review.

Special procedures and policies have been incorporated into the Coastal Act and the Commission's process for handling LNG permit applications, largely due to the potential hazards associated with the transportation and processing of LNG. Analysis of such hazards or the impacts associated with the Coastal Act policies for siting LNG is beyond the scope of this EIS. The LNG policies and procedures become relevant to CZMA concerns, to the extent that local land and water use regulations could unreasonably restrict or exclude the siting of such facilities that are of regional benefit, or if it were found that the Coastal Commission did *not* give adequate consideration to the national interest in such facilities.

The Coastal Act and the Commission's procedures for handling LNG facility siting assure that local land and water use regulations will not unreasonably restrict or exclude the siting of LNG facilities. These facilities must be considered in the development of LCP's, as indicated in (1) above. In the interim, the State Coastal Commission will review applications for LNG facilities utilizing a procedure described in the Act, regulations, Chapter 9, and, in considerable detail in Attachment G, (letter to Keith McKinney from Joe Bodovitz). After Local Coastal Program approval, the Commission can hear, on appeal, any action taken by a local government approving or disapproving an LNG facility, and upon certain grounds and conditions (30603(a)(5)) permit the development of such facility in the public welfare.

Prior to the completion of the LCP's, a coastal development permit must be issued if the issuing agency (Regional Commission of Local Government) or the Commission on appeal, finds that the proposed LNG development is in conformity with the provisions of the Act (Chapter 3) (30604(a)).

The national interest in LNG facilities in California has not been determined at this time. FPC permits are being sought for the above siting alternatives concurrent with the state procedures, and considerable analysis has been conducted. Most, if not all, of the gas processed at these facilities, in the short term, (1980's) would be utilized within California to replace diminishing supplies from other sources. President Carter's National Energy Plan includes the following statements that may have some relevance to the CCMP program procedures:

> "Due to its extremely high costs and safety problems, LNG is not a long-term secure substitute for domestic natural gas. It can, however, be an important supply option through the mid-1980's and beyond, until additional gas supplies may become available."
>
> "The new policy further provides for distribution of imports throughout the nation, so that no region would be seriously affected by a supply interruption. In cases where the proposed supplier retains a unilateral right to cut off supply, consideration should be given to conditioning FPC certification on recognition of a reciprocal right to cancel on the part of the US purchaser.
>
> Finally, strict siting criteria would foreclose the construction of other LNG docks in densely populated areas."

Other national interests in the siting of such facilities might include the risk to coastal resources that are nationally significant, i.e. marine resources such as fisheries and mammals, historical and archaeological sites, recreation, agricultural and forest lands. Of course, as the President's Plan indicates, the health and safety of the public is of national concern. These considerations appear to have been taken into account in the LNG policies and procedures, by assuring that safety concerns are met and that other policies of the Coastal Act will apply to protect these nationally significant resources. Chapter 11 of the CCMP indicates that the Coastal Commission will fully consider various sources of national interest expressions in these sites, including the above referenced Energy Plan, special reports and certificates and solicited opinions on the project by Federal regulatory agencies.

The California Coastal Commission is now considering three alternatives, for one or more LNG facilities in Southern California: Los Angeles (Terminal Island), Oxnard, and Point Conception. Some bills in the Legislature and proposals by interest groups have suggested consideration of an offshore site on one of the Santa Barbara Channel islands or a new island in State or Federal waters. The offshore site alternative is predicted to take 6 to 8 years longer to become operational than one of the three alternatives that are now being considered, although on the basis of consultant studies of the offshore alternative, these appear to be feasible. As indicated in Attachment G, the Commission has estimated that it might arrive at a decision on the permit application for the first site by November or December of 1977, (prior to enactment of new procedures that might be contained in one or more of the LNG bills being debated in the California Legislature).

Some reviewers of the DEIS challenged the approval of the California Coastal Program, based on their understanding that the LNG policies and procedures were too restrictive, and allowed for only one facility. As the language of the Act and the McKinney letter (Attachment G) indicates, the Commission will first consider the general safety issue, so that it can determine whether a "remote" site may be

considered, or whether a terminal may be permitted in "developed or industrial port areas." If the safety issue is satisfied, more than one terminal can be located in developed areas.

In summary, since this FEIS does not have the responsibility for discussing the merits of particular state CZM policies or project decisions (see introduction) the extent of the impacts of the LNG process appear to be limited to the finding that the national interest will be adequately considered, if and when defined, in the siting of LNG facilities; and that the State has methods to assure that local land and water use regulations will not unreasonably preclude this use of regional benefit. These and other matters of consideration will be monitored during implementation of the State's approved program pursuant to Section 312 of the CZMA.

(3) Siting procedures for Oil and Gas Facilities:

As cited in the discussion of Commission actions on major energy projects between 1972 and 1977, all major oil and gas related projects to come before the Coastal Commission have been approved, with the exception of the Platform Holly application of ARCO. One other project, the Exxon Santa Ynez unit in Las Florres was approved with conditions unacceptable to the applicant.

The national interest considerations of these oil and gas facility procedures have been thoroughly discussed in Chapters 9, 11 and part IV of this combined document.

Also, since some reviewers attributed impacts to the national policy of increasing domestic petroleum supplies from the state's air quality standards, it is important to clarify that these impacts are not relevant to this EIS discussion. Impacts resulting from air and water quality standards are not a valid consideration of NOAA due to the requirements of 307(f) of the CZMA that requires the standards of the Clean Air Act to be met in all CZM programs. These impacts relate to the implementation of the Clean Air Act by EPA, and to the state's separate regulatory authority under this Act. (see general response 10, Attachment J, page J.11)

Potential impacts from OCZM approval of the California program related to oil and gas facilities include those resulting from application of the Federal consistency provisions (307) of the CZMA, funding of permit procedures for such facilities, and funding of the development of Local Coastal Programs discussed above.

Since the Federal consistency procedures of the Act have not been tested long enough to measure their effect in other States (Washington's CZM Program, approved June 1976, has not been evaluated sufficiently to draw conclusions about the effect of Section 307) we can only describe potential impacts based upon the intent of the CZMA.

Recent OCS and oil and gas development issues on California indicate that there is much to be gained by a closer and more cooperative working partnership between the State and Federal agencies, regarding energy development issues in California. The controversy over the leasing of OCS tracts in the Santa Barbara Channel is one case where these Federal consistency and consultation provisions of the CZMA may have had an impact.

The oil industry, in comments on the DEIS, claimed that the State's opposition to the previous lease schedule demonstrates that Federal consistency could be used to halt OCS development, (See WOGA, API and Exxon comments Attachments J and K). On the other hand, the Director of the Office of Planning and Research has countered these claims stating that "California is working closely with the Department of Interior and the oil industry to avoid and resolve conflicts, and to promote efficient, responsible development of offshore petroleum resources." (see Attachment G, page G.2). This view by OPR appears to be supported by the Secretary of Interior, Cecil Andrus, in his letter in response to the revised conditions on the Santa Ynez application (Attachment G, page G-34). In his letter to Governor Brown, Secretary Andrus said: "As you are also well aware, this Administration seeks to cooperate with the states because of our confidence that the states will, when treated as partners, work in the national interest, as well as in their own, in developing offshore reserves while protecting the environment. My judgement that your revised conditions are reasonable is based, then, both on comparison to your first set of conditions previously found unreasonable, and on our policy of encouraging state responsibility in regulating the onshore phase of OCS development."

This spirit of cooperation and Andrus' intent to "encourage State responsibility" is one of the central purposes of Section 307 of the CZMA. To the extent that future cases, such as the Santa Ynez conflict between the Department of Interior, the State of California and the industry can be avoided or ameliorated by Section 307 procedures, the impacts of program approval will be positive. A detailed account of the Santa Ynez case is beyond the scope of this EIS, but it may present a relevant example of how impacts of unilateral decisions of State and Federal government can be avoided, in part, through the affect of the CZMA.

The revised conditions proposed by California for the Santa Ynez application were, in large part, a result of a "Joint Government-Industry Task Force" to study the feasibility of alternatives to offshore processing of oil and gas resources. This process is designed to assure that petroleum resources in

State and Federal waters of the Santa Barbara Channel can be developed, transported and processed in a manner that would:

1) Protect the resources of the coastal zone;
2) Reduce the risks and pollution from tanker operations in the Santa Barbara Channel;
3) Provide for the development of oil and natural gas resources needed in California and the rest of the nation.

Agencies of the Federal, State and local government participated along with major representatives of the oil and gas industry, in recommending revised conditions to the Coastal Commission's permit for the Santa Ynez project. It is an example of how federal consistency can work in the CCMP process. The increased influence gained by the state through Section 307 should foster similar working partnerships for dealing with complex government/industry energy problems. One might say that California has been operating with its own form of Federal consistency prior to program approval, which will enhanced. Funding resulting from Federal approval for permit processing of oil and gas related applications, as described in Chapter 9 of the CCMP, should improve the quality of staff analysis for permit applications, help assure that these decisions are made on a sound factual basis, and expedite the review process by providing funds for staff service to guide applicants in interpreting the standards and procedures of the Act during project planning.

The permit procedures for oil and gas projects will, however, involve certain delays and costs, as discussed generically in the previous Part III.B. of the EIS. The Coastal Act and regulations should considerably reduce these from those previously encountered under Prop. 20. However, the Federal approval of this program would not have a negative impact on these aspects of the process, because the California program is now being implemented under tate law (with or without Federal approval) and the Federal consistency procedures are being integrated into the existing permit systems, to the extent allowable under Federal law. Therefore ,these costs should be reduced through enhanced funding as described above. Other impacts on oil and gas facilities related to the California program approval are discussed in terms of selected policies below in C.

One of the most significant petroleum related projects is now pending before the California Coastal Commission for review. SOHIO's proposal for a $121 million port facility in the City of Long Beach to serve as a major terminal for transferring Alaskan North Slope oil to a pipeline to serve inland refineries and markets ,embodies many complex issues two of which are related to the proposed action to approve the CCMP. Other issues are summarized in the Commission's staff briefing memoranda in Attachment G.

First, under separate procedures and standards, the South Coast Air Quality Management District, the California Air Resources Board, and the U.S. Environmental Protection Agency will exercise their authorities under the Federal Clean Air Act (CAA) and under State and Regional Air Quality laws adopted pursuant to the CAA. To approve, disapprove or condition the approval of this project. The Coastal Commission is bound by the standards of these State and Federal Air Quality laws by the Coastal Act and, in terms of OCZM's approval, by Section 307(f) of the CZMA. Therefore, the impacts associated with the fate of this major terminal, in terms of air quality, are not an issue for OCZM review prior to program approval--or after approval as a matter of Section 312 performance evaluation.

Second, if the SOHIO project is approvable under these air quality standards, this project will represent one test of how the Coastal Commission process for adequately considering the national interest in the siting of energy facilities in the coastal zone might work. Attachment G (page G-17) demonstrates that the national interests are being considered in this project to the extent that these interests have been articulated by the responsible Federal sources.

(4) Power Plant Siting Procedures

At present there are 22 electricity-generating power plants along the California coast. They occupy about 5 miles out of the State's 1,100 mile coastline.

Because of the authority exercised by the State Energy Commission over thermal power plants and related facilities prior to the passage of the Coastal Act--and in keeping with the Legislature's intent "to minimize duplication and conflicts among existing agencies"--the Coastal Act reserved to the State Energy Commission the powers for siting thermal power plants in the coastal zone.

However, the Coastal Act requires the Coastal Commission to designate areas of the coastal zone for "special treatment" with regard to the construction of power plants--in these areas the State Energy Commission cannot approve construction of a power plant until the Coastal Commission "first finds that such use is not inconsistent with the primary uses of such land and that there will be no substantial adverse environmental effects and the approval of any public agency having ownership or control of such land is obtained." The Commission is to complete the first such designation by January 1, 1978, and to revise it every two years thereafter. Since this is obviously a dynamic process, and the CZMA, as amended, does not require such siting decisions to be made prior to approval, these designations are not required for approval and are not now a part of the program.

Even if the demand for power were to double the number of power plants needed in the coastal zone, only a few more miles of the State's 1,100 mile coastline would be needed.

Power plants can have substantial impacts on the areas in which they are built. There is controversy about the effects on fisheries when power plants take in enormous amounts of ocean waters for cooling. There can be air pollutants from fossil-fuel plants. These are visual impacts of the power plants themselves and their transmission lines. And the construction of a power plant, with the influx of large numbers of workers, can have a substantial impact on nearby communities during the construction period.

In the portions of the coast that the Commission does not designate, a power plant may be built without a Coastal Commission permit or other approval. In those areas, the Coastal Commission is to make its views known in a utility application proceedings before the Energy Commission. It should be noted that Commission designation of these "special treatment" areas does not preclude the use of these areas for power plant sites, only that the Coastal Commission and the State Energy Commission and other agencies have certain responsibilities prior to approval, i.e., the Commission make certain findings required by Section 25526. This includes findings that a power plant or transmission facility would not have any substantial adverse effects and would be consistent with the uses of the land.

Demand forecasts of the need for future sites by the Energy Commission (which the Commission is required to consider in proposing sites) have indicated that only one candidate site is in the coastal zone.

Specific criteria are being developed by the Commission staff, based upon the policies of the Act, for these designated areas, including land use and concentration of development, view protection, recreation and public access, marine resources, environmentally sensitive habitat, agricultural lands, timberlands, natural land form and bluff protection, geologic hazards and air quality.

When this process is completed, and after considerable industry, government and public review of the proposed designations all affected parties will have a clear direction, and data base by which to evaluate Power Plant Siting proposals.

Clearly, this process meets the CZMA 305(b)(8) requirements in terms of power plant siting.

This process should expedite the review of projects, saving time and costs related to such project applications. It should enable the state to keep up with the demands for electricity generating power plants, while perhaps reducing the demand for hydroelectric facilities affecting the supply of fresh water resources necessary to maintain coastal ecosystems.

Enhanced Federal funding to support this process resulting from approval under the CZMA could support a high level of staff analysis for completing the designations and updating such designations on a biennial basis.

c. Potential Impacts from the Industrial and Energy Development Policies of the Coastal Act.

The purpose of this section is to discuss the policies of energy and industrial development (30260-30264) commensurate with the extent and expected impact of the Federal action to approve the CCMP. It is not required that the individual merits of each policy be systemmatically analyzed for all future management under the jurisdiction of the CCMP. However, because of the nature of the Federal action, it is important to analyze if the policies are or are not compatible with the intent of the CZMA under Section 303(a) and (b); i.e., "to preserve, protect, develop and where possible, to restore or enhance the resources of the Nation's coastal zone," and that the management program "gives full consideration to ecological, cultural, historic, and esthetic values as well as the needs for economic development."

With the amendments to the CZMA, Congress also found that there is a national objective to attain a greater degree of energy self sufficiency and that this objective could be realized in part by providing financial assistance to State and local governments through Section 308 of the CZMA (302(i)). While this was not a declaration of policy to the States, it was provided as an incentive to assist in this overall national objective. Therefore, an assessment should be made to determine if coastal management program policies are so unduly restrictive that regional or national interests are precluded.

Other sections of this EIS have shown that the CCMP gives full consideration for ecological, cultural, historic and esthetic values as issues unto themselves and as combined factors to be taken into consideration in coastal development. The industrial and energy development policies focus on the large-scale facilities generally associated with "economic development." In section 30001.2 of the Coastal Act, the Legislature found and declared that:

> "notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state."

This was included after testimony was received from many interest groups to assure that economic development could continue to proceed in an orderly manner and that coastal planning and management would not sacrifice the rest of California by forcing these large-scale developments to all be located inland where there would be major trade-offs with fresh water allocations and other resources.

Within the context of the industry and energy development policies, the comprehensiveness of the management program is clearly apparent. The policies on the siting of facilities are designed to allow the expansion and new location of industrial and energy facilities in the coastal zone while at the same time minimizing the adverse impacts associated with the siting of such facilities. The policies give preferential treatment to coastal-dependent industrial facilities, encourage their location or expansion within existing sites and recognize that some facilities may not be consistent with all the policies of the Coastal Act. If such is the case, they shall be permitted if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible. These criteria provide guidance for the siting of coastal-dependent facilities which require a degree of reasonableness and guard against decisions being made in an arbitrary or capricious manner.

Economic considerations are also taken into account because they permit "reasonable long-term growth," the "public welfare" is considered, they are "encouraged to the maximum extent feasible," and "alternative locations are not feasible."

Because these policies contain provisions to mitigate adverse impacts and risks, there will be increased economic costs associated with any future developments. The criteria and standards placed on these types of facilities may be reasons for the energy industry or other industries to find that the economic costs are prohibitive and therefore unacceptable. Because of the past experience during Proposition 20 on energy facility siting discussed in (B) above, it is clear that this has not been the case for the majority of permits processed. One permit applicant (EXXON) found the conditions were unreasonable and unacceptable. However, further efforts are underway to resolve these issues. The socio-economic impacts of permit conditions placed on developments to meet the intent of coastal legislation have been previously discussed. No dollar figures can accurately be projected as to the additional costs these policies would have on a long-term basis to the economy of California or other parts of the Nation.

The encouragement of coastal-dependent facilities to locate or expand within existing areas, and the priority of use given to these facilities, will have two major impacts. Efforts are made to reserve the sites where needed, such as in existing harbor and port areas where major dredging and filling have already taken place, so development can take place with a minimum of adverse impacts

on the environment in new areas. This may increase the environmental problems in existing areas causing environmental "hot spots." California is particularly plagued with some bad air quality problems which makes the siting of future facilities extremely difficult. Section 30263 does allow future facilities if they meet air quality standards if negative impacts of the project are "offset" by reductions of other gaseous emissions in the area.

Even though the policies are specific with regard to what is required and expected of the industrial and energy developers, they remain general enough to allow for the specific details to be made on a project by project basis according to the merits and conditions of each case. For instance, the Coastal Act policies recommend the consolidation of tanker terminals and oil and gas facilities. Increasing demands are being placed on the coastal resources of California due to outer Continental Shelf (OCS) activities and oil from Alaska. Many energy companies are involved, and the potential for duplication of facilities is great. This policy is an attempt to minimize the adverse impacts associated with energy facility siting by encouraging the companies to consolidate their facilities and avoid unnecessary duplication. Consolidation occurs when two or more companies use the same site or facility for exploration, development, transportation, processing, or storage functions, rather than each company constructing and operating a facility for its needs only.

"In the past, industry consolidated facilities when private company economics have favored sharing of facilities. Generally, companies operating off the California coast have preferred to construct and operate their own facilities, in order to maximize flexibility in production and marketing strategies. Historically this has resulted in a proliferation of offshore pipelines, small onshore oil and gas separation, treatment, and storage facilities, and tanker terminals along the coastlines of Santa Barbara and Ventura County, and in the San Pedro Harbor area." 7

Some advantages offered by consolidation include reduction in the following:
"(a) industrial land requirements near the coastline and conflicts with other coastal land uses and other environmental land use savings to onshore communities; (b) the number of potential sources of oil spill and air pollution; (c) the amount of energy and raw materials used in construction and operation of the facilities; (d) the costs of facility operations; (e) adverse scenic impact of additional industrial facilities in coastal areas. In some instances, consolidation of facilities may raise environmental problems more serious than those it solves. The increased activities at a single site could, for example, result in violation of air pollution standards at the consolidated site, when no such violations would have resulted at smaller, dispersed sites."

Some of the concerns the industry has relayed against the concept of consolidation include:
"(a) some consolidation strategies might increase capitol costs, thereby making small-scale, marginal ventures uneconomic ; (b) the information exchange and intercompany cooperation that must attend planning for consolidated facilities may lead to loss of competitive advantage and violation of antitrust laws; (c) the uncertainty of information regarding the petroleum resource on their own leases already makes facilities planning sufficiently difficult without adding the uncertainties of their companies' production prospects and actual production volumes; (d) their flexibility in production and marketing strategies will be impaired by facilities that must be designed and operated to meet the needs of other companies as well; (e) physical properties of oil and gas produced from different reservoirs might make the respective substances incompatible and preclude use of common facilities."

These Policies recognize that in some cases it may be extremely difficult to consolidate facilities and recognize that there are limits in which industry can operate. The policies nevertheless encourage consolidation to the "maximum extent feasible and legally permissible, " or unless the siting would have more adverse environmental consequences brought on by the consolidation.

When viewed on the whole the possibility exists for heightened conflict between the preferred uses of the coastline and the State's and Nation's need for energy. As water becomes a scarcer quantity in the State, more and more energy facilities will have to be located along the coast where ocean waters are available. Considering all the constraints placed on these large-scale facilities, it is believed that there will be only a few sites available. Once again, the intergovermental, public, and special interest involvement process described in the program is designed to resolve these conflicts between demands, uses, and interests.

4. Mitigation Measures

The California Coastal Management Program recognizes that development will continue within the coastal zone. Consistent with the concept of permanently protecting the State's natural and scenic resources for the present and future residents of the State and Nation (Section 30001(b)), the management program will look at future developments from a performance standards and criteria approach (see Part II, Chapter 5). The standards and criteria are based on existing State regulations such as air and water quality standards, and on specific guidance provided for by the policies in the Coastal Act. In addition, development will be guided by certified local coastal programs consisting of general plans, zoning regulations, and other implementing ordinances.

In order to show the adequacy of the program process, some examples of policy directives which are used in the permit process to mitigate adverse impacts associated with some types of development follow:

- Maximum access and recreational opportunities "shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." (30210)

- "The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams." (30231)

- With regard to agricultural land conversion, "any such permitted conversion shall be compatible with continued agricultural use on surrounding lands." (30242)

- "New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses." (30253)

- "New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and, (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property." (30263(a))

The Coastal Commission and regional commissions are responsible for assuring that the appropriate mitigation measures are taken by applicants for coastal development permits during the interim period while local governments are in the process of program certification. After that, the responsibility is given to local governments to assure that the policies are enforced.

In its simplest form, mitigation measures are usually expressed as conditions placed on development permits. Since development is allowed under a conditioned permit containing criteria and standards of conformance, it is often the conditions that become the focus of controversy and legal battles.

5. Impacts of Exclusions

Section 30608 states that persons who have obtained a vested development right prior to January 1, 1977, are not required to obtain a coastal development permit unless there is a substantial change involved. The impacts associated with these "grandfather" development rights are not considered as part of this program for impact analysis purposes. However, it can be shown that there was a rush to gain vested rights between the time of enactment of the Coastal Act and the January 1 deadline. The full implications and impacts of these excluded developments with regard to cumulative impacts and how they will affect new development subject to a coastal permit is to be determined over the next three years prior to the expiration of those rights.

Section 30610 excludes from the coastal development permit process certain improvements to existing single-family residences, maintenance dredging of existing navigation channels, certain repair and maintenance activities, and activities associated with necessary utility connections between an existing service facility and any new development. Additionally, the provision allows for categorical exclusions of development or of any category of development within a specifically defined geographic area. In each case, where the Coastal Commission finds that there is a risk of adverse environmental effects, the same would not be excluded. Therefore, while the potential for adverse impacts may exist by not including these activities or developments, the process outlined in the Coastal Act and further spelled out in the regulations, provides a safeguard to include such activities or developments when significant impacts may occur as a result of their exclusion.

In addition to the urban boundary being somewhat less than 1,000 yards, in most cases, a local government may request that an urban land area be excluded by the Coastal Commission from the permit provisions of the Coastal Act. Several conditions must be met before the areas can be excluded from the development permit process (see Section 30610.5(a)(1),(2) and (b)). The Coastal Commission requires that a local government submit an Initial Environmental Study and/or a Draft Negative Declaration concluding that the exclusion will have no significant adverse impact on the environment. Because these findings must be made, it is presumed that no adverse environmental impacts will occur as a result of this provision in the Coastal Act.

It is clear that the purpose of these exclusions is to minimize the administrative burdens on the State and local governments and on would-be applicants when normally such developments are not considered to directly or adversely impact the coastal zone.

6. Effect of Activities Outside the Coastal Zone

The planning and regulatory requirements of the Coastal Act do not apply inland of the boundaries of the coastal zone. The Coastal Commission has no direct permit or planning controls over any area or the activities of any other public agency outside the coastal zone. Section 30200 of the Coastal Act states however, that State agencies whose activities outside the coastal zone could have a direct impact on resources within the coastal zone, must consider the effect of such activities relative to the policies of the Coastal Act.

The legislative intent was clear in that the Coastal Commission's authority was not to extend beyond the coastal zone, but likewise, major activities outside the coastal zone that could have a direct impact on coastal resources are to be considered in the light of the coastal policies. Dams, flood control and water diversion projects, stream channelizations, mining, logging, power plants, roads leading to the coast, urban expansion, and other such inland projects and activities can directly affect the coast.

Although the coastal agency would not have any direct regulatory control over these projects and activities, it would have the opportunity to provide critical input into the decision-making process in two principal ways. First, projects requiring either an environmental impact statement under the California Environmental Quality Act would be reviewed by the coastal agency and would in turn provide its comments to the lead agency. The coastal agency (including local governments with certified programs) would have more direct authority over projects outside the coastal zone that have a direct impact on the coast if a Federal agency license or permit is required, it utilizes Federal assistance, or it involves Federal development projects. These activities and projects would have to be consistent with the California Coastal Management Program to the maximum extent practicable and would require applicant certification of consistency in order to obtain the necessary Federal approval under Section 307 of the CZMA. The coastal agency would review these projects and concur or disagree with the certifications under the procedures established for coordination with Federal agencies (see Part II. Chap. 11,B.). The effects of a negative consistency determination have been previously discussed. The provisions of Section 30200 and Federal consistency has the effect of reinforcing the policies, taking away any arbitrariness that may exist for any segment of the coastal boundary, and gives greater protection to the "coastal ecosystem" concept of resource management.

California's coastal zone is contiguous to the coastal zone of Oregon and the land and coastal waters of the Republic of Mexico. It is believed that the implementation of the California Coastal Management Program will not adversely affect the integrity or land and water uses of these two places. While Oregon's coastal zone boundary extends further inland than does California's, the boundary difference is unlikely to cause significant problems in the administration of either program. No significant problems have been reported during the implementation of Proposition 20.

In 1976, Alaska, California, Washington, and Oregon developed an interstate coordination program involving the directors of the State coastal management programs. This effort, largely generated by the regional impacts associated with oil and gas production in Alaska, will be utilized to examine and jointly resolve interstate problems and conflicts between adjacent States. Initial discussions have occurred about the need for joint standards and planning for offshore outer Continental Shelf petroleum development.

While the impacts associated with land and water uses do not necessarily stop at political boundaries, it is unlikely that the requirements of the Coastal Act will adversely affect Mexico.

Recently the Republic of Mexico has indicated that it may expand its offshore oil and gas activities. Should this occur in relatively close proximity to the California coastal zone, the Mexican environmental standards for such activities may not be comparable to those in the United States. In such a case, a potential future impact upon the California coastal zone from oil spills may exist.

7. Impact Assessment Based on Previous Studies

a. Half Moon Bay Case Study

The Half Moon Bay Case Study was a two-year study conducted by the Institute of Urban and Regional Development of the University of California, Berkeley.[5] The study served as a means to test and evaluate specific policies proposed by the then California Coastal Zone Conservation Commission in the preliminary elements of the Coastal Plan and was later modified to include similar policies of the Coastal Act. The case study also served to evaluate the operability of the collaborative planning process required by the Coastal Act and to test specific analytical methods for subregional and local planning. An impact assessment process was conducted to evaluate the cumulative environmental, economic, social, public service, and access impacts of a local coastal program which results from a specified land use pattern, population level, and level of facility development. Specifically, the impact assessment was a means of measuring:

1. The extent to which land use designations are in conflict with coastal policies in resource areas -- soils, hazards, open space, recreational lands, protection (i.e.,how much prime soil is pre-empted for urbanization in a local coastal plan).

2. The extent to which public services' capacities are exceeded by the increased levels of population (i.e.,will the service requirements of full build-out of residential subdivisions exceed facility capabilties).

3. The extent to which the "carrying capacities" of any natural systems -- viewshed, airshed, watershed -- are exceeded by the amount (density) of development allowed (i.e., too much recreational beach use, too much impervious surface coverage, too many houses in a scenic viewshed).

4. The extent to which planned development is allowed adjacent to a resource area -- viewshed, habitats, watershed, so as to present an adverse impact, threat, or use conflict (i.e. development along a coastal stream, adjacent to agricultural land).

When the coastal policies were grouped into broad categories, it was found that the following areas, resources, uses, and users could be impacted (see Table E).

During the third year Section 305 grant period (January to December 1976) California conducted several sub-regional planning studies and provided funding to 11 local governments to conduct local implementation program pilot projects. These studies and projects have provided both local governments and the Coastal Commission with a wealth of information on which to assess the impacts of program implementation. A few of these studies are summarized below.

b. Subregional Planning

(1) Moro-Cojo Marsh (Elkhorn Slough, Monterey County)

The Moro-Cojo Marsh restoration project was directed toward providing the Coastal Commission not only with a restoration methodology, but also with a prototypical area in which to study the implementation of coastal wetland restoration policies. This marsh was diked off over fifty years ago and the reclaimed lands have been farmed continually since that time so that the resultant accumulation of pollutants in the marsh sediments is thought to be significant.

TABLE E

Impact Assessment Criteria

Environmental Impacts

1. Change in the extent of open space lands
2. Change in condition of habitat areas
3. Change in the type and extent of forest lands
4. Intrusion upon hazard areas and unstable landforms
5. Change in extent of prime soils
6. Change in the acreage of non-prime agricultural lands with productive soils
7. Change in condition of viewshed and blockage of view
8. Change in condition of watershed and coastal waters and their buffer areas and change in sand supply
9. Change in the extent and type of mineral resource areas
10. Change in condition of airshed

Access Impacts

11. Change in the type and extent of public access to the shoreline and other coastal recreation areas
12. Change in the type and location of public and commercial recreation facilities
13. Change in convenience of traveling to the coastal zone
14. Change in the availability of transportation options
15. Change in the cost and availability of coastal housing and related social mix of coastal communities

Social/Economic Impacts

16. Change in amount of business
17. Change in amount of employment available
18. Change in yearly average income of coastal residents
19. Change in local jurisdictions' fiscal status and change in tax obligation of citizens
20. Change in the amount of State and Federal funding for projects and activities in the coastal zone
21. Change in community character and disruption of community way of life
22. Change in the condition of manmade resource areas
23. Change in quality of public health and safety

Public Service Impacts

24. Change in extent of water usage
25. Change in extent of use of electricity and natural gas
26. Change in extent of transportation facility usage

Table F shows the amount of acreage that would be displaced for six different "population projection" alternatives. Although this was a theoretical study, it does give some indication as to the potential impacts of the implementation of the policies in the Half Moon Bay Area (i.e. preservation of open space and views, increase in public access, etc.). Different degrees of policy implementation were used to determine the "population projection" alternatives. Coastal policies were used to define the populations under alternatives 1a, 1b, 1c, and 2a.

TABLE F

Impact Summary--Geographically Based Impact Measures

Impact Assessment Criteria	Baseline Condition (1972)	Measure	Measured Increment of Change for Alternatives					
			1c	1b	1a	2a	4b	4a
	17,589 existing population	additional population	1,427	5,378	10,422	13,304	40,499	47,657
		total population	19,016	18,967	23,911	26,893	54,088	61,246
1. Change in the extent of open lands	4150 acres of rural open space	Rural open space converted (acres)	136	140	191	444	2644	3358
		Percentage of existing rural open space converted	3.3	3.4	4.6	10.7	63.7	80.9
4. Intrusion upon hazard areas	240 acres of floodplains	Floodplains preempted (acres)	0	0	0	0	68	68
		Percentage of undeveloped plains preempted	0	0	0	0	28.3	28.3
5. Change in extent of prime soils	380 acres of Class I soil	Class I soils converted (acres)	0	0	39	47	139	129
		Percentage of existing Class I soils converted	0	0	10.3	12.4	36.6	33.9
	1240 acres of Class II soil	Class II soils converted (acres)	13	19	38	76	641	564
		Percentage of existing Class II soils converted	1.0	1.4	2.8	5.7	47.8	42.1
	770 acres of Class III soil	Class III soils converted (acres)	0	0	0	41	429	746
		Percentage of existing Class III soils converted	0	0	0	5.3	55.7	96.9
	4493 acres of total prime soil	Prime soils converted (acres)	13	19	77	164	1209	1165
		Percentage of existing prime soils converted	.3	.4	1.7	3.7	26.9	26.0
7. Change in blockage of view	.6 miles of unblocked view northbound	Unblocked view preempted (miles)	0	0	0	0	.6	.6
		Percentage of unblocked view preempted	0	0	0	0	100	100
	2.4 miles of unblocked view southbound	Unblocked view southbound preempted (miles)	0	0	0	0	2.1	2.1
		Percentage of unblocked view southbound preempted	0	0	0	0	87.5	87.5
11. Change in the extent of public access to the shoreline recreation areas	218 acres of recreation land west of Highway 1	Additional recreation land (acres)	623	623	623	623	266	307
		Ratio increase of additional recreation land to existing recreation land	2.9	2.9	2.9	2.9	1.2	1.4
	9 miles of shoreline in public ownership	Additional shoreline in public ownership (miles)	11.1	11.1	11.1	11.1	10.6	10.6
		Ratio increase of additional shoreline in public ownership to existing shoreline in public ownership	2.2	2.2	2.2	2.2	2.1	2.1
15. Change in the availability of coastal housing	4504 existing housing units	Additional housing (units)	514	1787	3570	4832	12860	16563
		Ratio increase of additional housing units to existing units	.1	.4	.8	1.1	2.9	3.7
16. Change in amount of commercial activity	119 existing commercial units	Additional commercial (units)	45	69	100	117	283	327
		Ratio increase of additional commercial units to existing units	.4	.6	.8	1.0	2.4	2.7
24. Change in extent of water usage	2.59 MGD water used	Additional water to be used (MGD)	.43	1.30	2.41	3.01	8.84	10.40
		Ratio increase of additional water needed to current usage	.2	.5	.9	1.2	3.4	4.0
27. Change in extent of wastewater facility usage	.2 MGD wastewater generated in Montara	Additional wastewater in Montara (MGD)	.01	.10-.14	.27-.35	.23-.32	.54-.70	.49-.67
		Ratio increase of additional wastewater generation to current generation	.1	.5-.7	1.4-1.8	1.2-1.6	2.7-3.5	2.5-3.4
	2. MGD wastewater generated in El Granada	Additional wastewater in El Granada (MGD)	.08	.23-.31	.46-.61	.45-.91	.98-1.25	1.06-1.35
		Ratio increase of additional wastewater generation to current generation	.4	1.2-1.6	2.3-3.1	2.3-2.6	4.9-6.3	5.3-6.8
	.3 MGD wastewater generated in Half Moon Bay	Additional wastewater in Half Moon Bay (MGD)	.21-.29	.24-.29	.34-.42	.61-.77	1.63-2.39	2.27-3.03
		Ratio increase of additional wastewater generation to current generation	.7-.8	.8-.10	1.1-1.4	2.0-2.6	5.4-7.3	7.6-10.1

The Moro-Cojo slough system, a portion of the Elkhorn estuarine complex, is a survivor and remnant of California's once vast coastal wetlands. The remaining coastal wetlands are now recognized as valuable natural resources and must be protected from further degradation and restored where possible. Because knowledge of the Moro-Cojo environment is inadequate, it has been necessary to define its present and potential value as a natural resource system and to evaluate proposed activities with respect to their degradation or restorational potential through a comprehensive analysis of this environment, its ecology, and relevant economic, political, and social concerns.

Preliminary conclusions of the study demonstrate that management practices of the past have severely degraded the natural resource value of the Moro-Cojo slough, and a new management program is needed to protect the coastal resource.

A critical step in the management of the remaining California wetlands will be the coordination of government actions. One of the major findings of the first phase of the study was that no single agency has comprehensively managed the wetland system in the context of a total natural system. Generally, policies and programs affecting the area have been determined by a number of agencies, each concerned primarily with its individual responsibility and jurisdiction. This secularization often conflicted with the processes of natural ecosystems.

(2) Trinidad

A geological and biological survey of Trinidad Bay was conducted and a development survey was conducted to determine the possible alternatives for developing the Bay as a commercial and recreation harbor. A joint study on moorings involving affected Federal, State, and local agencies was undertaken to determine the types and number of moorings that should be allowed and where they should be located so as to avoid the productive kelp area of the Bay. The subject of mooring placement also addresses both safety and aesthetics.

(3) Big Sur Coast - Northern San Luis Obispo County and Southern Orange County

These two subregional planning studies were intended to serve as models for how subregional planning could be incorporated into the local coastal planning process. The studies accomplished two very important tasks:

(a) They generated the information that will be useful to the local coastal programs and for the Coastal Commission to use in evaluating the adequacy of the programs for the two study areas as to their impacts on the larger-than-local issues (e.g., has the Monterey portion of the Big Sur coastline properly allocated the traffic capacity given the constraints identified in the subregional analysis?).

(b) They have established a workable methodology for conducting such studies that will be applicable in other regions where one or more coastal issues, such as road system capacity or limited water supply, transcend several local jurisdictions.

The central issue of each study was an analysis of the potential competition between local populations and recreational visitors for the use of public services such as wastewater treatment, water supply, or highway access during times of peak use both currently and in the future given proposed population levels.

c. Local Implementation Program Pilot Projects

Contractual arrangements were made with the Cities of Trinidad, Eureka, Santa Cruz, Laguna Beach, Chula Vista, Santa Monica, and Carlsbad, and with the Counties of Marin, Monterey, and Santa Barbara. The purpose was to see if local governments could incorporate the policies or specific policies of the Coastal Plan. This was later changed to conform to the standards of the new Coastal Act. Some of the projects focused on:

(1) Trinidad. A study of future growth limited by the septic tank carrying capacity of the soils in that area and increased tourist accessibility on appropriate parcels of land was undertaken.

(2) Eureka. Future development of the waterfront area proposed waterfront commercial developments, protection of existing low-income housing, a pedestrian walkway the length of the waterfront, and continuous linear berthing of vessels along the walkway so that no pier would project into the channel.

(3) Monterey County (Big Sur). A preliminary plan report was distributed for review by the public and all participating and affected agencies. The plan proposed a reduction in allowable development, protection of views, special treatment of the coast, and establishing a private trust which might acquire and trade lands to redirect growth from sensitive areas to appropriate ones.

(4) Santa Barbara County. The county staff studies the major policy differences between the Coastal Plan and a variety of local plans (existing general plan, proposed general plan, citizen group recommendations, special district policies, etc.). The report included simplified matrices on conformance or conflict between policies, based on a computerized system for retrieving all relevant policies on each subject, and a summary analysis of the issues.

d. Outer Continental Shelf Leasing Impact Planning

The Office of Planning and Research in the Governor's Office created an outer Continental Shelf (OCS) task force to conduct studies on the impacts associated with offshore oil and gas development in southern California. A number of scenarios for oil and gas exploration, production activities, and facility siting have been conducted or are ongoing in the Santa Barbara Channel. The task force has circulated draft findings and recommendations dealing with management, decision information, oil spills, air quality, impacts on sensitive coastal resources, economic effects, transportation, consolidation, and development choices. This is a continuing effort on the part of the State of California to determine its role in OCS activities and assisting local governments in preparing for the associated onshore impacts.

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PART IV

ALTERNATIVES TO THE PROPOSED ACTION

Throughout the development of the California Coastal Management Program a variety of alternatives to specific elements of the Program were considered. Many of these derived from comments received by the involved local and State government agencies, Federal agencies, and public interests. The Coastal Commission's consideration of alternative ideas, positions, and possibilities took place over nearly three years. The record of this process consists of tens of thousands of pages. Any attempt in this environmental impact statement to reconsider all policy and programmatic alternatives would only repeat the detailed record which the Coastal Commission and regional commissions have already compiled, in public, preparing the Coastal Plan. The Legislature also looked at alternatives to specific features in various coastal bills.

Normally, at the time a coastal management program is submitted for approval, most of the substantive decisions regarding the policies, how the program is to be implemented, etc., will have been made. This is not to say that changes in substance can no longer take place (see Alternative 6 below). What is mainly left in the way of alternatives deals with procedures. A brief description of some of the alternatives which were considered in the development of the Coastal Plan is reviewed in Attachment C. The procedural alternative still open to the State at this time are discussed below along with the Federal alternatives.

A. Federal Alternatives

The Secretary of Commerce could delay or deny approval of the California Coastal Management Program under the following conditions:

1. If Federal agency views were not adequately considered or the program does not fully meet the requirements of the CZMA.

Section 306(c) of the CZMA requires the Secretary of Commerce to make findings that a State coastal management program meets the requirements outlined in the CZMA prior to granting approval.

Section 307(b) of the CZMA states "(t)he Secretary shall not approve the management program submitted by a State pursuant to Section 306 unless the views of Federal agencies principally affected by such program have been adequately considered." NOAA believes this requirement has been met by the process described in Chapter 13 and based upon the comments received and resolved during Federal agency reviews of the CCMP and DEIS.

If it were shown that principal Federal agency views were not considered during development of the program, or that the State does not meet specific CZMA requirements, then the Secretary could deny the application or delay approval pending required changes. The impacts of a negative decision are clear:

The California Coastal Management Program would continue to be implemented, but without Federal assistance, since the program is a legislative mandate and funded through State appropriations. The considerable Federal funds which might have been made available to help implement the program would not be passed on to State agencies and local governments.

Potential delays in meeting the objectives of the Coastal Act could result. Many of the program elements, to be achieved as described in Part II, Chapter 14, would either be delayed or neglected. Many of the elements described could be achieved only through additional Federal funding assistance. The implications and the degree of magnitude of impacts this might have on the natural and social environment can only be conjectured.

The provisions of Section 307 of the CZMA (Federal consistency) would not apply to Federal agencies' activities in the coastal zone, meaning the coordinated governmental approach comtemplated in the national program would not be fulfilled. This omission could mean that Federal agencies could take action which would conflict with the objectives of the State in the coastal zone.

Alternatives 2 and 4 focus on specific aspects of the program and include extensive examination of whether the program meets the relevant provisions of the CZMA.

2. If there is inadequate "consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities. . .)."

a. NOAA must address the facility siting requirement within the context of the CZMA and implementing regulations.

Many governmental and private parties have made claims on or have objected to approval of the CCMP based upon the CZMA requirement at Section 306(c)(8) quoted in relevant part above. Adequate consideration of facility siting in California's Coastal Zone was a substantial part of the controversy surrounding the development of the Coastal Plan and later the Coastal Act. Adequate consideration of energy facility siting was a major issue in the California program development process, and also in the 1976 amendments to the CZMA. Heightened interest in energy facility siting has thus become a key part of the California coastal management effort and of NOAA's review responsibilities under the CZMA. Major comments on the CCMP and the revised DEIS concerning proposed approval of the management program continued this accelerating interest in facility siting.

The purpose of this subpart is to describe the statutory and regulatory basis upon which NOAA must assess the many claims made pursuant to Section 306(c)(8) of the CZMA. This assessment involves NOAA consideration of alternatives within its statutory charge, as well as evaluating impacts, and short term uses and long range productivity under NEPA. The latter point is discussed in Part VI. Where appropriate, references are made to other sections of this FEIS and the CCMP.

b. Pertinent portions of the CZMA, as amended, include the following:

(1) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

"The management program provides for adequate consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, such state's coastal zone) which are necessary to meet requirements which are other than local in nature. In the case of such energy facilities, the Secretary shall find that the state has given such consideration to any applicable interstate energy plan or program." (Section 306(c)(8))

(2) The CZMA sets forth broad balancing factors that shall guide the evaluation leading to adequate facility siting consideration. These factors include:

- Congressional findings (Section 302(a)-(g)) that stress coastal resource losses, their vulnerability to destruction, damage to resource values and natural and scenic characteristics and to protect and give high priority to natural systems. In short, there is a major need to balance the demands for and adverse impacts of development;
- The acknowledged need to balance development with the resource conservation thrust of the Act is reflected in acknowledgement of "beneficial uses", resource development and financial assistance to meet state and local needs resulting from new or expanded energy activity under Section 308; and
- The summation of interest balancing is expressed in the national policy to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development.

(3) Although not a mandatory condition of approval until October 1, 1978, California also seeks approval under the following 1976 CZMA amendment, at Section 305 (b)(8):

"A planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities."

(4) As a constraint on any decision related to approval, NOAA must adhere to Section 307(f) which states:

Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any State or local government pursuant to such Acts.

c. Current NOAA regulations (15 C.F.R. 923.15) set forth broad consultative and evaluation criteria for considering national interests in the siting of facilities.

(1) NOAA regulations rely upon the consultation requirements of the Act, especially those involving Federal agencies, as the primary basis for national interest review. Specifically, the regulation requires:

- o integration of the national interest in facility siting into the management program's determination of uses and areas of Statewide concern;

In its "comment" guidance, the regulation:

- o calls for expression of national concerns over facility siting in the program; but,
- o qualifies such "expression" as not compelling accommodation of particular facilities;
- o applies the judgmental factor that a program not arbitrarily exclude or unreasonably restrict facilities without supporting rationale;
- o states that no separate national interest "test" is envisioned in the process of considering facility siting; and
- o assumes that an assessment of need is a preliminary to "adequate consideration," through consultation with Federal agencies and adjacent states;
- o refers to a general table of facilities and resources in which there may be a clear national interest related to siting.

(2) NOAA regulation thus required "integration" of national interests in facility siting into management programs but does not impose more affirmative State duties in siting facilities to meet this requirement. The adequacy of State consideration is related to the requirements for overall program development, especially its consultative elements. However, due to the CZMA amendments of 1976 and in response to the significant controversy that has emerged from the CCMP and the proposed NOAA approval the legislative intent concerning Section 306(c)(8) is examined below.

d. In weighing alternatives open to NOAA concerning various national interest claims and the CCMP's adequacy in considering them, reference must be made to the legislative history of the CZMA.

Because the CZMA does not amplify the meaning of or provide specific guidance concerning State duties associated with the "national interest" provision, it is appropriate to set forth relevant portions of the legislative history to determine what Congress intended by this provision.

(1) In 1972, the Senate Report, No. 92-753, accompanying S. 3507, did not include a "national interest" provision in the bill reported, but created a National Coastal Resources Board, including eight Federal agencies, to deal with intergovernmental conflicts. (Pages 206-8)*

*All page references in this subsection are Legislative History of the Coastal Zone Management Act of 1972, as Amended in 1974 and 1976 With a Section-by-Section Index, Committee Print for the Senate Committee on Commerce and National Ocean Policy Study, 94th Congress, 2d Session (December, 1976).

(2) The House Report, No. 92-1049, introduced the requirement at Section 306(c)(8), and explained its proposal as follows:

"As to the national interest requirements referred to under item I, your committee wishes to make it clear that the primary responsibility for developing the State program remains in the State. Nevertheless, if the program . . . is to be approved. . . the State must take into account and must accommodate its program to the specific requirements of various Federal laws . . . (and, after referencing Federal Constitutional interests and specific national interests in electric energy, transportation and other public services) recognize those Federal rights, powers, and interests." (321-22)

(3) The Conference Committee (No. 92-1544) accepted the House provision "as to adequate consideration for the national interest involved in the siting of facilities representing regional or national requirements." (457)

(4) The President's Statement on signing the 1972 Act reads:

"I will instruct the Secretary of Commerce to carry out this statute in a way which focuses Federal efforts on the adequacy of State processes rather than to become involved in the merits of particular land use decisions." (459)

(5) The 1976 Amendments to the CZMA were spurred by the results of the Arab oil embargo and in the review of the legislative history; it states that "energy independence became an important priority and national objective." (577) A substantial record was developed that demonstrated a need to provide Federal financial and other support to the States to deal with energy developments in or affecting the coastal zone. The Senate Committee on S. 586, No. 94-277, states: "The core of the Committee's approach to the coastal impacts problem is found in section 308--as redesignated--which establishes a Coastal Energy Facility Impact Fund." (747) The Fund should be "administered in harmony with the larger purposes and spirit of the Coastal Zone Management Act." (749)

(6) The 1976 Senate Report No. 94-277, also comments specifically on the new planning requirement for energy facility siting and an addition to Section 306(c)(8) as follows:

"The additional provision for an energy facility planning process component of a state. . . program. . . complements the present section 306(c)(8). . ." The Committee wishes to emphasize, consistent with the overall intent of the Act, that this new paragraph 305(b)(8) requires a State to develop, and maintain a planning process, but does not imply intercession in specific siting decisions. The Secretary. . . is restricted to evaluating the adequacy of that process." (759-60) The Committee Report continues; "Because . . . energy facilities and protection and access for public beaches were already inherent in the Act without the specificity provided by S.586, it is not the Committee's intent to build in a delay factor for all beach access, protection and energy facility planning . . ."

The addition made by S.586 to Section 306(c)(8) is a requirement relating to such facilities which are energy facilities and provides that the Secretary . . . shall find that the State has given consideration to any applicable interstate energy plan or program that is promulgated by an interstate agency pursuant to a new Section 309 . . . "The requirement of such consideration by the existing provisions of Section 306(c)(8) is that it be 'adequate consideration'. Consistent with the intent of the Act, the Committee has not required automatic acceptance by the coastal States of these interstate energy plans . . ., but on the other hand, the requirement that the consideration be adequate is not superfluous." (762)

(7) The 1976 House Report, No. 94-878, also documents the substantial increase in the need for energy development activity and discusses the State and local incentives and amelioration assistance warranted by this situation. (See 911-17, "Energy-Related Pressures on the Coastal Zone".) Commenting on Subsection 305(b)(8), the Report states that "State coastal zone programs should . . . specifically address how major energy facilities are to located in the coastal zone if such siting is necessary." The Committee in no way wishes to accelerate the location of energy facilities in the coasts; on the contrary, it feels a disproportionate share are there now. For those facilities which necessarily will be in the coasts, however, a specific planning process for siting such facilities . . . is desired. There is no intent here whatever to involve the Secretary of Commerce in specific siting decisions." (932)

(8) The President's remarks and statement upon signing the Amendments (1111-12) further underscore the balancing nature of the Act, as viewed by the Executive in its specific attempt to reconcile energy and environmental protection issues.

e. Reexamination of the statutory basis for NOAA review of alternatives under Section 306(c)(8) reveals that "national interests" in energy facility siting are encouraged and must be evaluated, but need not be fully accommodated by the CCMP.

(1) States are directed to consider national interests in the siting of facilities within the larger fabric of resource conservation and management mandated under the CZMA. Approval evaluation must therefore judge the CCMP as a whole, not as a collection of discrete functional elements. "Full consideration" must be given to ecological, cultural, historic and aesthetic values as well as adequate consideration of the national interest in the planning for and siting of facilities. The balance struck on the sometimes competing claims to coastal resources is a central focus of State coastal zone management, and of the Federal approval of State programs.

(2) Congressional committee deliberations in 1972 stressed the State responsibility to protect Federal rights, powers, and interests--particularly accommodation to the specific requirements of various Federal laws. "Adequate consideration: is not further defined, but the facilities the siting of which must be taken into account are described as those meeting interstate or national requirements."

(3) Congressional committee reports on the 1976 amendments clearly establish the salience of energy development as a national priority and goal. The means provided by Congress for Coastal Zone Management contribution to this national priority and goal were substantial financial incentives for planning, impact assistance and interstate coordination. Mandatory siting requirements were not added to the CZMA in 1976. Changes to Section 306(c)(8) involved specific reference to energy facilities and the planning for them. The new Section 305(b)(8) was seen as "complementary" to the earlier 306(c)(8) provision.

The House Report emphasizes that specific attention be given to major energy facility location in the coastal zone, but places a constraint on the "share" that must be located in coastal areas.

In reporting principally on the adoption of the Coastal Energy Impact Program (Section 308), the Conference Committee reemphasizes the importance of the coastal zone in meeting national energy goals, encourages OCS development through financial assistance to States, assumes State responsiveness to national energy objectives and limits Federal involvement in assessing needs of individual coastal States to respond to new energy activity. (1074) A key additional way in which States would be accountable to national interests involves their consideration of interstate energy plans and programs created under the new Section 309. (1080)

f. Alternatives to approval of the CCMP under 306(c)(8) therefore rest upon the following factors: (1) the opportunity provided by CCMP for national interests to be expressed and integrated in CCMP development; (2) the adoption of developmental and environmental conservation policies and administrative decision making procedures that evaluate and are responsive to such interests; (3) a reasonable balancing of environmental and energy objectives; and (4) protection of Federal rights, powers and interests.

The CCMP in revised and supplemented form addresses each of these decision factors in the following parts of the program narrative and EIS:

(1) Public welfare and national interest claims-- Part II, Chapters 9A and 11A

(2) Policies and administrative procedures-- Part II, Chapters 3,6,7,8,9 and 10

(3) Balancing of interests-- Part II, Chapters 3,4,5,9 and 11, and 13

(4) Protection of Federal rights-- Part II, Chapters 9,11 and 13

g. The alternative of disapproval based on failure to meet Section 306 (c) (8) has been advanced strongly by some interests, based in part on factors other than those discussed above. (See EIS Attachment J). In exploring valid options to approval, NOAA finds that these claims exceed the requirements of the CZMA.

1) There are many interests that believe the 1976 amendments brought into force an affirmative duty on the CCMP to site particular energy or other facilities in the California coastal zone. Reliance for this position is placed upon the increased emphasis and specific energy facility planning processes added by the 1976 amendments. Regardless of the merits of a nationally mandated coastal facility siting requirement, it cannot be found in the CZMA or its legislative history. Nor do the Act or its regulations require that fundamental alteration be made in the existing energy facility planning and siting processes that rely upon private or public initiatives and governmental policies and administrative review of them. Denial of approval of a State's coastal management program or conditioning of an approval action by NOAA cannot be made on the basis of these critiques.

2) Disapproval has also been recommended based upon alleged unreasonable restrictions placed upon energy facility siting by the State in the past. The record presented in Chapter 9 and Part III C.3 argues that these allegations are unfounded. Failure of the CCMP to carry out its national interest balancing considerations during program implementation would be cause for termination of assistance under Section 312 of the CZMA.

3) Similarly, disapproval has been recommended based upon the anticipation that the CCMP, as presently constituted, will obstruct energy development through application of the Federal consistency provisions. The major thrust of the 1976 amendments was the provision of financial and other incentives that, taken together with an assumption of good faith tate participation, would facilitate orderly energy development. It is inappropriate for NOAA not to approve the CCMP based upon predictions that are unfounded in the program itself. Additionally, the CCMP has incorporate revised consistency policies and procedures that include extensive provisions to assure reasoned use of these coordination mechanisms.

h. NOAA has proposed to the State that it use the President's National Energy Plan, among other policy instruments, to assure continuing adequate consideration of national interests in the planning for and siting of facilities. The CCMP has agreed to use this expression of national policy as part of its continuing planning and review system, and, in fact, has applied it already.

One of many initiatives taken by the Coastal Commission and NOAA in response to program and DEIS reviewers concerning "adequate consideration" under 306(c)(8) involved identifying policy references for use in national interest evaluation. The President's Energy Plan * and its recommended policies have been identified as one important source in weighing national interests in facility siting and the balancing of alternative use of the coastal zone under the CCMP.

NOAA prepared excerpts from the National Energy Plan and other current sources of national policy for discussion with CCMP staff in June 1977. The CCMP agreed to consider this policy source, and the legislation or executive actions that may flow from it, together with a number of other relevant sources (see Chapter 9, 11). In fact, as the CCMP evaluation of the SOHIO Project shows (Attachment G), the state searches for clarification of specific national welfare views and has undertaken an independent assessment to place what is known concerning national policies in its own permit application reviews.

*Executive Office of the President, Energy Policy and Planning, The National Energy Plan, April 29, 1977. It should be noted that much of the program development leading to the final CCMP occurred prior to enunciation of a national energy plan, and was dependent on incomplete and sometimes contradictory statements of Federal agencies in this area. Since issuance of NOAA's DEIS, in April, OCZM and State officials have been able to use The National Energy Plan as one basis for discussion of how the State meets the 306(c)(8) requirement particularly with regard to energy facilities. Reference should be made to Chapter 11 of the CCMP to see how the State's processes for planning and siting of energy facilities takes into account the Plan.

In general, the following guidance is provided by the National Energy Plan:

"The U.S. has three overriding energy objectives:

- as an immediate objective that will become even more important in the future, to reduce dependence on foreign oil and vulnerability to supply interruptions;
- in the medium term, to keep U.S. imports sufficiently low to weather the period when world oil production approaches its capacity limitation; and
- in the long term, to have renewable and essentially inexhaustible sources of energy for sustained economic growth." (Plan Overview, p. IX)

"The salient features of the National Energy Plan are:

- conservation and fuel efficiency;
- rational pricing and production policies;
- reasonable certainty and stability in Government policies;
- substitution of abundant energy resources for those in short supply; and
- development of nonconventional technologies for the future." (Plan Overview, PP IX-X)

Elements of the National Energy Plan with particular application to the California Coastal Zone are as follows:

(1) Conservation - "The cornerstone of the National Energy Plan is conservation" (p. 35 of the Plan).

Comment - Aspects of the California program dealing with this are focused on locational and design criteria for new development in Article 6 - Development and Article 7 - Industrial Development of the Coastal Act.

(2) Alaska Oil - "Active Federal and State involvement will be necessary to assure expedited construction of the best project or combination of projects for receiving Alaskan oil on the West Coast and moving it in an environmentally sound way to inland markets where it is needed."

"As the United States reviews its options for transporting Alaskan oil, it is important that the needs of midcontinent and northern tier refiners be taken into account along with those of refiners on the West Coast. The establishment of a long-term transportation system for supplementing supplies in these regions is a matter of high priority. As assessment will also be made of all options that would enable the U.S. to benefit from Alaskan oil in the short term until permanent transportation systems are in place. The options include transshipment of surplus crude to Gulf Coast markets as well as exchanges with other nations."[1] (p. 55, Plan)

Comment - Chapter 9 of the CCMP describes procedures followed or to be followed by California for the planning and siting of all such facilities. The staff briefing to the Coastal Commission on the proposed SOHIO terminal at Long Beach is particularly relevant. (See Attachment G)

(3) Outer Continental Shelf - "Oil and gas under Federal ownership on the Outer Continental Shelf (OCS) are important national assets. It is essential that they be developed in an orderly manner, consistent with national energy and environmental policies. The Congress is now considering amendments to the OCS Lands Act, which would provide additional authorities to ensure that OCS development proceeds with full consideration of environmental effects and in consultation with states and communities. These amendments would require a flexible leasing program using bidding systems that will enhance competition, ensure a fair return to the public, and promote full resource recovery." (p. 56, Plan)

Comment - Chapter 9 of the CCMP details procedures followed by California for the planning and siting of OCS-related facilities.

[1]The President's recent decision not to allow sale of Alaska oil to Japan increases the national interest in developing ways to handle the surplus crude oil on the west coast.

(4) Liquified Natural Gas - "Due to its extremely high costs and safety problems, LNG is not a long-term secure substitute for domestic natural gas. It can, however, be an important supply option through the mid-1980's and beyond, until additional gas supplies may become available." (p. 57 of the Plan)

"The previous Energy Resources Council guidelines are being replaced with a more flexible policy that sets no upper limit on LNG imports. Under the new policy, the Federal Government would review each application to import LNG so as to provide for its availability at a reasonable price without undue risks of dependence on foreign supplies. This assessment would take into account the reliability of the selling country, the degree of American dependence such sales would create, the safety conditions associated with any specific installation, and all costs involved." (p. 57 of the Plan)

Comment - Chapter 9 of the CCMP includes procedures followed by California for the planning and siting of LNG facilities. See also the letter to Western LNG Associates discussing the Commission's plans to process an application for LNG terminals in the coastal zone.

(5) Nuclear Power - "The United States will need to use more light-water reactors to help meet its energy needs. The Government will give increased attention to light-water reactor safety, licensing and waste management so that nuclear power can be used to help meet the U.S. energy deficit with increased safety." (p. 70 of the Plan)

"In addition, the President is requesting that the (Nuclear Regulatory) Commission develop firm siting criteria with clear guidelines to prevent siting of future nuclear plants in densely populated locations, in valuable natural areas, or in potentially hazardous locations." (p. 72 of the Plan)

Comment - Chapter 9 details procedures followed by California for the planning and siting of thermal power, including nuclear facilities.

In addition to this statement of national energy interests, consideration must be given as part of program approval under 306(c)(8) to other recent Presidential statements of the national interest, in particular the 1977 Environmental Program, including the emphasis on protection of wetlands, floodplains, and other land and water resources. Subsequent interpretative statements by the President and actions by the Congress are also considered. Finally, attention is drawn to Section 307(f) of the CZMA, which establishes a strong national interest in air and water quality and prohibits approval of any coastal zone management program which fails to incorporate all water pollution and air pollution requirements established pursuant to the Federal Water Pollution Control Act and the Clean Air Act. The latter provision is particularly important in the case of California, where controversy over the siting of energy facilities in the coastal zone has arisen over air quality requirements. (See general response (10) to comments for further discussion of the national interest in clean air and water.)

i. Given this legislative direction and new executive policy, NOAA does not believe it necessary to further strengthen the "national interest" content of the program. Chapters 9 and 11 provide the substantive basis for this decision. The CZMA attempts to further the national purposes both of environmental conservation and major facility siting principally through balancing of competing intergovernmental interests in meeting this objective. In administering the CZMA, NOAA must also "balance" its role within the intergovernmental allocation of responsibilities of the Act. Many of the changes, clarifications and amplications to the DEIS were undertaken to properly reflect this balancing role.

3. If there is no adequate assurance of the integration of the California Coastal Management Program with the San Francisco Bay Coastal Management Program.

For purposes of coastal zone management, California has been divided into segments including the areas covered by the Coastal Act and the Bay Plan (see Part II, Chapter 4). The San Francisco Bay Conservation and Development Commission (BCDC) submitted a program to OCZM in accordance with Section 306(h) of the CZMA. The submittal was coordinated through the Secretary of Resources. The program was approved by the Secretary of Commerce on February 16, 1977, and a grant made to administer the program. The Federal funding will help update the Bay Plan and increase monitoring and enforcement of the regulatory process.

There are differences in the two California management programs, including boundaries, organization, and in some of the policies which are used as a basis for permit decision-making. However, there have been attempts to integrate portions of the programs insofar as possible. Examples include the Coastal Commission and regional commissions' policies with respect to the national interest statement and Federal consistency.

The Coastal Act recommended that within 18 months after enactment of legislation, the State coastal agency and BCDC review the future relationships of the two programs and recommend changes as necessary. The Coastal Act states the following:

> "The commission and the San Francisco Bay Conservation and Development Commission shall conduct a joint review of this division and Title 7.2 (commencing with Section 66600) of the Government Code to determine how the program administered by the San Francisco Bay Conservation and Development Commission shall be related to this division. Both commissions shall jointly present their recommendations to the Legislature not later than July 1, 1978." (30410)

Therefore, there is assurance that the State will undertake a study to integrate the two management systems. While there is no requirement that program approval be delayed until after legislative action, the Secretary could continue to fund the California Coastal Management Program under Section 305(d) until it is clear what the total program would look like. This would preclude funding under Section 306, administrative grants, and the implementation of Federal consistency provisions.

The 18-month study would focus on the need for changes, if any, in the BCDC management program in light of the information developed by the Coastal Commission in the course of preparing the Coastal Plan. To the extent changes appear to be warranted, the study could analyze and make recommendations with regard to changes in the institutional relationship of BCDC to the Coastal Commission and in the area included in the BCDC segment of the coastal zone.

Possible reasons to delay approval include the uncertainty associated with legislative approval of the Coastal Commission and regional commissions' recommendations and the potential for an imbalance in program administration between the two jurisdictions. If the statewide coastal policies do not apply to the San Francisco Bay Region, and one is more restrictive than another, then there may be increased pressure to develop in the Bay area without those State policies guiding the development or vice versa. In such a case, Federal consistency would be difficult to apply uniformly throughout the State. The impact of the latter would be minimized, however, because of the relatively short period (18 months or earlier), the degree of coordination and cooperation that exists between the two commissions, the identical policies on national interest facilities, and the legislative intent that the review should not distort the purposes of the Coastal Act. Section 30410(b) of the Coastal Act requires that all ports, including those covered by the Bay Plan, should receive equal treatment for the purpose of insuring competition.

The environmental impacts associated with this delay would be marginally greater than the alternative of approval prior to total integration. The California Coastal Management Program would continue to be implemented at the State level regardless of Section 306 approval, albeit at a lower level of funding. The use of Federal consistency provisions would also be changed. In this case, BCDC may be making use of consistency while the Coastal Commission and approved local goverment programs would not.

4. If a more appropriate alternative would be "preliminary approval" of the CCMP.

The alternative of "preliminary approval" of the CCMP under Section 305(a)(2) has been suggested in review comments. The basic argument presented is that the CCMP must be totally "completed" in terms of local programs, various studies now underway, prospective Commission designations and a number of other activities to be eligible for approval. The fundamental objection rests upon the fact that local coastal programs are not complete.

These objections to the proposed action have caused NOAA to re-examine the basis for approval of a management program in terms of its authority and implementing governmental techniques. The alternative of preliminary, rather than final approval, has substantial practical effects. Funding which would allow timely refinement and certification of local coastal programs would be significantly reduced. The policies, procedures and substance of the CCMP would not be altered, but the major State-Federal coordination tool of the Act--consistency determinations--would be denied. The two significant Federal incentives for State participation would be diluted or denied.

NOAA has considered the alternative of preliminary approval particularly with respect to CCMP's compliance with the authorities sections and implementing options pursuant to Section 306(c)(7), (d) and (e) of the CZMA. For, if a State has the necessary authorities in place and will employ acceptable implementation techniques, the "preliminary approval" option is inappropriate.

Chapters 6 and 7, Part II of this document describe CCMP authorities and implementation techniques in some detail. As these chapters indicate, the CCMP has authority to:

- o administer land and water use regulations through the Commission and its regulations now in force;
- o control development by issuance, conditions on or denial of a permit;
- o resolve conflicts through use of coastal policies, priorities and hearings;
- o acquire interests in lands and property by law, particularly through the State Coastal Conservancy;
- o use option 306(e)(1)(B), direct State land and water use planning and regulation now, and apply the option at 306(e)(1)(A) after certification of local coastal programs.

These are the requirements of an affirmative finding which would mandate approval and vitiate the need for preliminary approval. Nevertheless, in response to review comments, NOAA has evaluated the legislative history, its regulations and the details of the process proposed by the CCMP in terms of two fundamental and related questions:

- o Is the State-local option proposed by the CCMP allowable under the CZMA?
- o Can the management program, as proposed, be implemented fully if approved in its current status?

a. The Coastal Act declared that the management program is "to rely heavily on local government and local land use planning procedures and enforcement" (30004(a)); the Coastal Act concurrently declared that "it is necessary to provide for continued State coastal planning and management through a coastal commission;" (30004(b)). These declarations provide the legislative basis upon which the CCMP has selected the technique of direct State control allowed under 306(e)(1)(B) that is immediately available to implement the program, and has provided for a measured process for involving local governments to assume a major role in implementation after certification, as provided under 306(e)(1)(A).

The Senate Report commented on the authorities options in the original bill as follows:

"Key to this subsection is the flexibility permitted to each state to determine the level of government through which such authority will be exercised."*

NOAA Regulations (15 CFR 923.26) provide for the use of "...any one or a combination of the techniques specified in Section 306(e)(1)" as meeting this requirement.

There is evidence that the CCMP use of both techniques direct State controls and implementation, followed by primary local implementation if in conformance with the State management policies and subject to review, complies with the intent of the Act and NOAA regulations.

b. Perhaps the question of whether the program can be implemented fully if approved now is more germane to reviewer concerns. The House Report 94-878 (at pp. 934-35 of the Legislative History) discusses the preliminary approval alternative in some detail. The Report describes examples of instances where a

*U.S. Senate, Committee on Commerce. Legislative History of the Coastal Zone Management Act of 1972, as Amended in 1976 with a Section-by-Section Analysis. 94th Congress, 2d Session, Dec. 1976.

State program would be eligible for preliminary approval. The basic test is whether or not a management program meets the requirements of Section 306. One example of an instance where Section 306 might not be met is described as follows:

> "...where a State program will call on local units of governments to prepare their own coastal programs in accordance with State guidelines."

The Committee continues by stressing authority to give "preliminary approval to state management programs, which, in their design and description, are satisfactory... which means that the program they have put together on paper is satisfactory once put into place." (p. 934).

The CCMP, while it does provide for local coastal program development, provides far more than "guidelines" and in fact, specifically provides for active State and regional implementation of the program unless and until there is certification of local coastal programs. At such time that local programs are certified, the Commission retains the minimum authority required by the CZMA for "administrative review and envorcement of compliance."

This CCMP process complies with NOAA regulations at 15 CFR 923.26(b)(2) that provides for "...the State (to) become directly involved in the establishment of detailed land and water use regulations and...apply these regulations to individual cases." and provides explicit continuity under the same standards to "Implementation by a local unit of government...consist(ing) of adoption of suitable local (plan) zoning ordinance or regulation." (FR 923.26(b)(1)).

NOAA review of the specific Coastal Act provisions (Appendix 1) in light of reviewer comments, reveals that this allowable mix of techniques and implementing authorities includes the following steps and continuity factors:

- o 30200 - standards by which adequacy of local programs are judged
- o 30310 - explicit provision for smooth transition and continuity between the coastal program of 1972 and the proposed CCMP
- o 30330 - Commission to have primary implementation responsibility
- o 30333 - Explicit provisions for regional consistency with the CCMP policies
- o 30333.5 - Ability of the State to directly review local programs or permits
- o 30341 - Commission may prepare and adopt additional plans, maps and studies
- o 30510 - Requires thorough and complete review of local programs based upon conformity with the policies and standards
- o 30519.5 - Review of certification.

Following the above examination, and considering the fact that the California coastal program controls have been operational since 1972 under the earlier Proposition 20, the alternative of "preliminary approval" cannot be supported. Furthermore, the environmental impacts of such an alternative, discussed in the general response to comments (Attachment J, Response (2)), would be negative.

B. State Alternatives

5. The State could withdraw the approval application and continue program development or attempt to use other sources of funding to meet the objectives of the State's shoreline and related coastal management programs.

In the voluntary, cooperative program provided for by the CZMA, there exists a possibility for a State to withdraw its application without sanctions or penalties, except withdrawal of OCZM funding. For a State which has made great strides in the development of a coastal management program, this would be considered a real fiscal loss to the State. It is also possible the overall national objectives of the CZMA would not be met.

The legislative history of the CZMA shows Congress did not intend the requirements of the CZMA to be so stringent or difficult to achieve that a State would be precluded from achieving program approval after reasonable effort and time. Nevertheless, experience has shown that the process of adequate program development is not an easy one. Of particular significance are the difficult "balancing" policies of the CZMA, especially State Federal relations. Programs must adequately consider varied interests which are often conflicting and in competition for use of scarce coastal resources. In many cases there are hurdles with absence of adequate State management authorities or lack of adequate resources or staff to accomplish everything that must be done within a relatively short time frame.

The reason for a withdrawal can be diverse. There may exist weaknesses in the development process that may go unnoticed even after the State has submitted its program for approval.

Another situation that could arise would be if there were a number of unresolvable issues which surface during the review process. For instance, a State may decide that the incentives are not strong enough to keep it in the national coastal management program at the sacrifice of what it sees as a compromise of its goals and objectives. Faced with this sort of conflict, a State might withdraw from the national coastal management program and support its efforts with local resources. A review of other related Federal assistance programs and management policies indicates that States could achieve some of their coastal objectives utilizing other Federal programs, but the unique managerial and integrative support contained in the CZMA would be diminished substantially, if not altogether.

Although untested, it is believed that the CZMA established a process whereby State program withdrawal based on adverse program comments could be avoided and where serious disagreements can be mediated. "The Secretary shall not approve the management program submitted by a state pursuant to Section 306 unless the views of Federal agencies principally affected by such program have been adequately considered." Section 307(b)) In case of serious disagreement between any Federal agency and the State in the development of the program, the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences. Section 307(a) and (b) Interim Regulations establish guidance on meeting impasses. As a practical matter, the coastal management program is dependent for success upon reciprocal intergovernmental cooperation as the basis for achieving national coastal zone management goals.

While withdrawal remains a viable alternative, it is not expected that the California Coastal Management Program would be withdrawn. The Coastal Act (Section 30008 and Section 16) envisions the use of CZMA funding to implement the program, a certain percentage of which would be used by local governments to develop and implement the local coastal programs. The application of Federal consistency and the certainty of eligibility for assistance under the Coastal Energy Impact Program, which is part of the national coastal zone effort, are also strong incentives for California's participation.

6. The State could amend the coastal management program.

Actual use of this alternative has been put into practice, and the management program and this revised draft EIS are based on an alternative management program which the State has decided to implement. The Coastal Commission submitted a management program on July 30, 1976, based on the Coastal Plan and SB 1579. SB 1579 did not receive legislative approval, but SB 1277, the Coastal Act, did. The result was that several changes occurred in policies, boundaries, authorities, and other provisions and, therefore, a new management program and EIS were required at this stage of the review process. Based upon the circumstances which existed at the time of the State submission of its program to the Secretary of Commerce, the results of the Federal agency and public review process, and later program amendments, this alternative of amending the State program will always remain, although the chances have decreased considerably since the Legislature has enacted SB 1277, AB 400, and AB 3544.

In a program as complex as a comprehensive approach to coastal zone management, the number of alternatives to each provision of each policy and institutional managements are essentially infimite. For example, the Coastal Act provides that wetlands can be diked, filled, or dredged only if (a) the existing functional capacity of the wetland is maintained or enhanced; (b) there is no less environmental damaging alternative; and (c) the development conforms with an adopted comprehensive estuarine management plan, and for specific reasons. Using only the three activities regulated, the three conditions imposed, and the various allowed uses, there are many possible combinations that are alternatives to this policy (see Attachment F). As mentioned at the outset, these policy decisions were made in public after weighing reasonable alternatives. Also, the policies in the Coastal Plan have been subjected to legislative review, which led to incorporation of a number of changes contained in the present program.

PART V

PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

A review of the California Coastal Management Program policies which would be used as a basis for decision-making indicates that the probable effects of program implementation would be environmentally beneficial. However, there would probably be a number of adverse impacts to both the natural and socio-economic environments.

Development attributed to new growth and economic needs will be concentrated in some areas rather than continue the expanded use of new land whether that be sprawl or otherwise. While consolidation or concentrated development has the positive attribute that it preserves for a time other resources, it also can cause congestion or the concentration of pollutants, and be generally costly from an economic standpoint.

Numerous adverse impacts will continue to be associated with the siting of major facilities for purposes of defense, transportation, energy requirements, and others in which both the State and Federal governments have interest. The program makes provisions for consideration of the siting of facilities which are in the national interest. It is important to note, however, that each such project will be evaluated as to the impacts associated with development by both NEPA and CEQA. That is, investigations will be made, alternatives considered, etc.

Some agricultural lands would probably continue to be converted to other uses. Studies are now underway with a pilot project to determine the feasibility of carefully managing this growth conversion so that the taking of productive lands is minimized, the utilization of land is maximized, and the least social impacts occur at any one time.

It is very difficult to determine precisely what impacts will occur as a result of program implementation, but it is clear what impacts have occurred without it and which created the need in the eyes and minds of the California public. Because this is an evaluation of a comprehensive plan and ongoing program, two things should be remembered with respect to adverse impacts:

(1) the development of this Program has been a very thorough process based on broad support, extensive input from all the various institutional interests, scientific and technical information and generally will represent the majority viewpoint of public interests in development and preservation of California's coastal resources. The basic thrust of the program has been to minimize adverse environmental impacts to these resources so that they can continue to be utilized and enjoyed by those future generations as well as by present users.

(2) an adequate process has been established to ensure that environmental effects are kept to a minimum on a development project by project basis. This process has been described earlier (see discussion on "Mitigation Measures," Part III, 4).

PART VI

RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

While approval of the California Coastal Management Program will restrict some local, short-term uses of the environment, it will also provide long-term assurance that the natural resources and benefits provided by the California coast will be available for future use and enjoyment. This time is central to the State and Federal programs.

The California Coastal Management Program does the following:

A. Short-Term Uses

(1) Does not prohibit future development but creates a system of guided growth based on agreed upon State policies for coastal land and water uses.

(2) Recognizes that some energy facilities and coastal-dependent developments have adverse environmental consequences, but that they may still have to be located in the coastal zone to protect the inland environment as well as help provide for orderly economic development.

(3) Program allows some short-term uses in the coastal zone but requires future developments to restore other parts of the coastal zone, providing for long-term benefits.

B. Long-Term Uses

(1) Recognizes the coastal zone is delicately balanced ecosystem.

(2) Ensures the permanent protection of the State's natural and scenic resources.

(3) Assures orderly and balanced utilization and conservation of coastal resources.

(4) Sets forth sound resources conservation principles in objectives, goals, and regulations.

(5) Provides for an infrastructure which can protect regional, State, and national interests by assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the public, and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources.

Without the implementation of rationally based land and water use management programs, intense short-term uses and gains, such as provided by residential or industrial development, might be realized. However, such uses would most likely result in long-term restrictions on coastal resource use and benefit because of degradation of the environment. Without proper management the traditional conflicts between coastal resource users -- residential, commercial, industrial, recreational, agricultural, and wildlife -- could be expected to occur.

By providing a sound basis for decision-making, and by protecting the important segments of the natural system, the management program will directly contribute to the long-term maintenance of the environment.

Public use and access preserves many options for future public use that may have been foreclosed without the program.

It has often been the case that where restrictions are imposed, on a proposed development, that technical and innovative improvements are generated, thereby bringing more returns from less opportunity.

Implementation of the program will result in minimization of the social costs which inevitably accompany environmentally destructive development, the mitigation of which requires public investment.

PART VII

IRREVERSIBLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES THAT WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

The approval of the California Coastal Management Program will not in itself lead to the loss of resources that a site specific project would. Tradeoffs will have to be made based on policy guidance from the Coastal Act. For instance, some urbanized areas or less intensive industrial areas may receive greater development pressures and a commitment of the surrounding resources because of the policy to concentrate development in already developed areas.

Also, the program provides that priority will be given to coastal-dependent development (industrial, commerical, and recreational) which in turn is often the most damaging to the environment and is located in the coastal zone to utilize the resources. However, in almost all cases, the program establishes criteria and standards for siting and requires that strong mitigation measures be taken. Development will occur in the absence of program approval, but the California Coastal Management Program will channel such activity toward appropriate but discreet sites based on specific land and water use consideration.

The existing economic system of allocating coastal resources among various uses has been labeled as "wasteful" and as not being a system which has generally allowed the theoretical maximization of economic benefits. It is believed that the most feasible way to correct the misallocation of resources resulting from the present system of the private market being regulated by an uncoordinated array of Federal, State, and local regulations, is to allow for a carefully reasoned and coordinated public intervention to take place. This is the basis of the Federal and State coastal management program. Therefore, until it is proven different, it can be expected that there will be a net economic as well as an environmental gain through the use of a coordinated comprehensive plan and program at both the State and local government level.

Approval of the CCMP is not an "irretrievable" commitment of Federal financial resources. A decision to go forward with approval is a Federal action subject to modification or termination based upon a review of performance of the CCMP mandated by CZMA. In terms of commitment of California's coastal natural resources, the entire program, within the limits of its scope and application, is designed to evaluate the commitment of specific resources prior to a particular action in terms of a "balancing" mechanism very similar to that contemplated by NEPA through the 102 (c) requirements.

The program contains numerous proposed immediate acquisition areas to come under public ownership. If these sites are acquired and/or restored, they would be taken off the tax base to local government and be precluded from further development. While this is a commitment of these resources, it does not necessarily follow that it is an irreversible or irretrievable commitment; indeed, one can state that future options will continue to remain open as long as these areas are properly managed.

PART VIII

CONSULTATION AND COORDINATION

Extensive consultation, coordination, and input has been received in developing the California Coastal Management Program and likewise this EIS. Because the program was developed with the natural and human environment in mind many alternatives have been condisered.

The Office of Coastal Zone Management requires that a State conduct an environmental impact assessment on their coastal management program prior to any approval of the program. This assessment is then used in developing the EIS. Additional input has been received from various Federal agencies throughout the duration of a State's program development period, on such things as the impact of the program on the Federal agency programs as well as an analysis of the program.

The development of the California Coastal Management Program has been one of the most thorough, well publicized and documented processes ever, and rather than redescribe this very substantial State effort, the reader is invited to read several relevant sections of documents which pertain to consultation, coordination, and the public and private interest input which has been solicited and acted upon. The following references pertain:

1. "How the Coastal Plan Was Prepared," p. 430 of the Coastal Plan.

2. Part II, Chapter 13 of this EIS.

3. Additional documentation exists at OCZM dealing with Federal, State, and local government participation and public involvement.

Coordination with all local, State, Federal, public, and private interests remains a key component of the California Coastal Management Program. Local governments will have the major responsibilities for the Coast and they, are the most accessible and accountable to their constituents. Local governments are required to bring their General Plans into conformity with the Coastal Act after which the Coastal Commission would certify and approve their plans. Continuous consultation and coordination will thus continue at all institutional levels during the local plan development, the State permit and appeals system and subsequently, the local accountability to the public.